

Agenda

Environmental Protection Commission

July 15, 1996

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

APPOINTMENT:

Regina Thiry (Item # 7)
A.J. DeCoster (Item #16)

11:30 A.M.

3:30 p.m.

Agenda topics

1. Approve Agenda
2. Approve Minutes of June 17, 1996
3. Director's Report Larry Wilson (Information)
4. Monthly Financial Status Report Stan Kuhn (Information)
5. Landfill Alternatives Financial Assistance Program Applications Teresa Hay (Information)
6. Monthly Reports Allan Stokes (Information)
7. Washburn Sewage Treatment Plant Discharge Permit - Update Allan Stokes (Information)
8. Contract Amendment for Computer Based Filing System for AQ Operating Permits Allan Stokes (Decision)
9. Nonpoint Source Management Program Allan Stokes (Information)
10. Notice of Intended Action--Chapter 22, Operating Permit by Rule for Small Sources Allan Stokes (Decision)
11. Final Rule--Chapter 65.18(1), Manure Management Plans for Expanded Animal Feeding Operations *(Tabled in June)* Allan Stokes (Decision)
12. Risk Based Corrective Action Rules Allan Stokes (Information)
13. Proposed Contested Case Decision--Lester D. Davis and Evelyn McKelvogue Allan Stokes (Decision)
14. Proposed Contested Case Decision--Solid Waste Management Commission of Marshall County Allan Stokes (Decision)

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15.	Proposed Contested Case Decision--Margaret Shoppa and Weldon Shoppa	Allan Stokes (Decision)
16.	Referrals to the Attorney General (a) A.J. DeCoster (Wright County)	Allan Stokes (Decision)
17.	General Discussion	
18.	Address Items for Next Meeting	
Next Meeting Dates	August 19, 1996 September 16, 1996 October 21, 1996	

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 15, 1996

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Regina Thiry		Waterloo
KEN THIRY		WATERLOO
Michael D. Rottiglaus	Landowner	Waterloo
Lindsey Larson	Iowa Farm Bureau	Jefferson
Scott Young	Bryan Cave	KC
Cathy Woollums	MidAmerican Energy Co.	Davenport
STEVE GUER	IES Industries	Cedar Rapids
JANE McALLISTER	AHLERS LAW FIRM	DSM
Todd Vens	REAP Delegate	Madrid
Perry Beemer	Dm Register	DM.
TOM STERRY	A P	DM
JERRY FLEALLE	BIRP	W'loo
Richard Kelley	U#L	DM
Dick Bundock	Midex	
Hike Johnston	Mitchellville	
Mike Fields	City of Marshalltown (IOWPCA)	Marshalltown.
Amy Christensen	Sullivan & Ward	DM

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 15, 1996

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Andy Baument	Iowa Pork Producers	Clive
Elizabeth Henderson	IDED	DSM
Helen Mahler	Sunrise Club	DSM
Lisa Brones	WHO-TV	DSM
Steve Hart		
Rod Borcht	CR Gazette	DSM
Ernie Hirschman	CA/O	DSM
Harrie Seidel	Iowa Water Pollution Control Ass'n	Ames
DAN VEST	GROUNDWATER	Bloomington, IN
Chris Gault	Farm Bureau	WDSM
Patrick Lalley	Lee Newspapers	DSM
Gar W. Dierck	B.H. Co. atty's office	Waterloo
E. Bud	RADIO IOWA	DSM
Therese Kuhnle	Iowa Senate	DSM
STEVE FINEGAN	B H Co Conservation	CF
Bill Claassen	Claassen Engineering	Waterloo

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 15, 1996

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Susan Heathcote	Iowa Environmental Council	Des Moines
Jerry Perkins	P.M. Register	D.M.
CAL WOODS	WOI-TV	Dm
Barb Grabner	PrairieFire	DSM
Pat Rounds	UST FUND	DSM
Myron Lawler	DeCoster Farms	Coulter
Bill Smith	Smith Law Firm	Des Moines
Harold Trask	Farmer	Renwick
Joe Hedlicka	Schneurs & Assos.	Dm

RECORD COPY EPC Meeting
File Name ADM-1-F1 July 1996
Senders Initials J.H. *en*

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JULY 15, 1996

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, July 15, 1996, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
Kathryn Draeger
William Ehm
Rozanne King, Chair
Charlotte Mohr, Secretary
Kathryn Murphy
Gary Priebe, Vice-Chair
Terrance Townsend

ADOPTION OF AGENDA

Motion was made by William Ehm to approve the agenda as presented.. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Terrance Townsend to approve the meeting minutes of June 17, 1996, as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, introduced Kathy Clasen who is the Executive Officer of the Compliance and Permit Assistance Team. He related that she is the first member of this team and will bring on additional staff in the near future. He indicated that four staff were slated for the program but the legislature did not appropriate adequate funding, so the department is looking at 2.5 FTE's for the coming fiscal year.

Director Wilson stated that the Small Business Ombudsman contract between the Ombudsman's Office and the department expired on June 30, and he chose not to renew that particular contract. He related that he will be working with Dave Lyons, DED, and that position will be located in DED and will be known as the Small Business Advocate.

Director Wilson reported on the REAP Congress which was held last Saturday at the Capitol. He noted that 83 of the 85 elected delegates were present and they produced a series of recommendations for the Governor, the General Assembly and the various departments that work on REAP programs.

Director Wilson reported on an outreach program in which he and his entire staff meet at various locations around the state with community leaders and the general public. He noted that the department extends a number of invitations to legislators, elected officials, county supervisors, mayors, city council representatives, school superintendents, and the public to attend these meetings. Director Wilson gave an overhead presentation showing what is presented to the public in these meetings. He indicated that following his overview of the department a public discussion period is held to hear concerns of the attendees. He related that often the department receives public input on deer populations, UST's, waste tires, animal confinements, as well as a number of other issues.

Charlotte Mohr stated that she attended the meeting in Davenport and it was a very good meeting. She added that it is an excellent process the department is going through and she encouraged the Commissioners to attend when there is a meeting in their area.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Mark Slatterly, Bureau Chief, Budget and Grants Section, presented the following item.

The standard division-level expenditure report will be sent to commissioners separately. This report will include a division level estimate of actual FY96 expenditures based on actual expenditures through 6/30/96.

As an initial step in development of the FY98/9 budget request, staff is preparing a summary of key issues likely to impact the DNR's budget request. This will be accomplished verbally at the meeting, and a summary provided to commissioners at that time.

Staff will also review the recent State Auditor's report.

DNR OPERATIONS BUDGET SUMMARY
FY95, FY96 and Budget FY97

Division	Actual FY95	Budget FY96	Actual (Est) FY96	Budget FY97
Director/Commissions/I&E	1,619,773	1,816,343	1,655,650	2,023,064
Administrative Services	5,116,126	5,196,517	5,048,400	5,345,501
Parks, Preserves & Recreation	9,299,848	8,592,001	8,777,400	8,761,730
Forests and Forestry	2,752,677	2,746,057	2,652,350	2,774,501
Energy and Geological Resources	3,761,713	5,105,013	3,765,430	4,617,660
Environmental Protection	12,894,509	19,513,309	14,950,000	19,029,823
Fish and Wildlife	19,393,097	18,898,781	18,909,800	19,780,673
Waste Management Assistance	1,033,547	1,263,205	1,041,000	1,708,838
DNR Totals	55,871,290	63,131,226	56,800,030	64,041,790

Note: The estimated FY96 actual expenditures are based on cash expenditures through 6/30/96, and includes all payrolls. Estimates are added for the GAAP payroll adjustment for the last three days of June, 1996, plus estimated cash expenditures for goods and services received prior to 6/30/96, but expected to be paid out in July and August.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY95	Budget FY96	Actual (Est) FY96	Budget FY97	% FY96 Under(Over)
PERS SERV	1,004,589	1,038,827	978,000	1,179,858	6%
PERS TRV IN	41,546	54,282	35,000	52,114	36%
STATE VEHICL	4,535	7,431	4,000	7,791	46%
DEPRECIATION	7,860	12,640	8,300	12,640	34%
PERS TRV OUT	10,438	9,500	13,000	12,946	-37%
OFF SUPPLY	71,747	76,600	75,000	80,500	2%
FAC MAINT SU	34	31,000	2,300	13,000	93%
EQUIP MAINT	4,166	6,850	3,500	6,850	49%
OTHER SUPPLY	63,923	58,400	70,000	104,950	-20%
PRINT & BIND	259,174	325,944	290,000	349,044	11%
UNIFORMS	1,951	2,150	1,100	2,150	49%
COMMUNICATIO	28,986	25,800	28,500	27,400	-10%
RENTALS	2,193	2,000	3,500	3,700	-75%
UTILITIES	187	750	250	750	67%
PROF SERV	53,169	80,070	55,000	50,060	31%
OUTSIDE SERV	31,516	26,550	60,000	51,019	-126%
ADVER PUB	0	5,000	0	5,000	100%
DATA PROC	7275	14,050	4,600	13,350	67%
REIMBURSEMENT	3,896	6,175	600	525	90%
EQUIPMENT	22,464	29,724	22,500	46,767	24%
OTHER EXP	124	2,600	500	2,650	81%
Totals	1,619,773	1,816,343	1,655,650	2,023,064	9%

By Cost Center or Function:

	Actual	Budget FY96	Actual(Est)	Budget	% Under
Director/Commissions	314,842	356,608	329,350	359,245	8%
Permit Team				150,000	
REAP Congress	10,999	22,000	10,500	68,100	52%
Policy Coordination	85,033	93,298	90,000	103,487	4%
Total Director & Commissions	410,874	471,906	429,850	680,832	9%
Information & Education Bureau:					
I&E, General	392,754	393,834	422,000	396,165	-7%
Sludge Mngt. Pub.	6,250	0	0	0	
Cons. Magazine	332,632	351,673	333,000	354,151	5%
Cons. Ed Center	150,750	162,124	168,000	166,980	-4%
Aquatic Education	201,301	228,722	192,000	242,807	16%
FW Information	3,629	21,381	11,500	25,911	46%
Energy Information	58,666	111,215	62,000	76,803	44%
GW Education	67	23,044	0	23,044	100%
319 Wtr Pln Info.	42,144	42,374	15,000	38,897	65%
Ed. Workshops	15,674	10,070	3,000	8,900	70%
Outdoor Learning	5,032	0	13,500	2,814	
Proj. Wild Expansion	0	0	5,800	5,760	
Total Information & Education Bureau	1,208,899	1,344,437	1,225,800	1,342,232	9%
Totals	1,619,773	1,816,343	1,655,650	2,023,064	9%

ADMINISTRATIVE SERVICES DIVISION

EXPENSE	Actual	Budget	Actual(Est)	Budget	% FY96
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CATEGORY	FY95	FY96	FY96	FY97	Under(Over)	% FY96
PERS SERV	3,727,699	3,729,059	3,582,000	3,864,278		4%
PERS TRV IN	32,873	42,850	47,000	55,750		-10%
STATE VEHICL	47,570	55,000	62,600	56,000		-14%
DEPRECIATION	68,730	75,500	69,500	79,500		8%
PERS TRV OUT	7,148	8,500	7,000	12,000		18%
OFF SUPPLY	339,910	355,500	360,000	340,200		-1%
FAC MAINT SU	2,020	16,000	1,500	15,500		91%
EQUIP MAINT	46,662	53,000	53,500	52,000		-1%
OTHER SUPPLY	18,066	14,000	9,000	10,400		36%
PRINT & BIND	25,145	23,000	25,000	23,500		-9%
UNIFORMS	6,031	2,500	1,800	3,000		28%
COMMUNICATIO	101,812	108,100	119,000	117,100		-10%
RENTALS	184	500	900	500		-80%
UTILITIES	282	0	0	0		
PROF SERV	52,024	70,000	50,000	70,000		29%
OUTSIDE SERV	34,280	79,650	80,000	64,500		0%
ADVER PUB	934	500	600	500		-20%
DATA PROC	44,611	91,000	46,000	52,800		49%
AUDITOR REIM	169,503	175,000	175,000	175,000		0%
REIMBURSEMENT	182,696	118,650	155,000	152,750		-31%
EQUIPMENT	199,462	169,500	203,000	181,100		-20%
OTHER EXP	8,484	8,658	0	19,123		100%
LICENSES	0	50	0	0		100%
Total Division	5,116,126	5,196,517	5,048,400	5,345,501		3%

By Function:	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Budgets & Grants	364,867	372,066	362,000	383,116	3%
Worker's Comp/DNR	94,669	108,658	111,000	111,123	-2%
Accounting	658,366	636,554	615,000	657,291	3%
State Audit Cost	169,530	175,000	175,000	175,000	0%
Adm. Support Services	1,465,242	1,471,718	1,422,400	1,481,141	3%
Data Processing Services	636,799	738,465	660,000	752,092	11%
License	311,950	300,254	305,000	310,849	-2%
Construction Services	845,662	819,138	820,000	884,413	0%
Land Acq. & Mngt.	469,017	468,395	470,000	482,096	0%
Div. Mngt & Misc.	100,024	106,269	108,000	108,380	-2%
Total Division	5,116,126	5,196,517	5,048,400	5,345,501	3%

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
PERS SERV	5,004,243	4,555,104	4,651,000	4,692,353	-2%
SEASONAL HELP	1,509,834	1,298,094	1,225,000	1,330,264	6%
PERS TRV IN	72,955	58,550	76,000	73,050	-30%
STATE VEHICL	213,209	200,460	200,500	201,300	0%
DEPRECIATION	292,147	304,150	305,000	298,400	0%
PERS TRV OUT	4,357	7,585	5,000	6,200	34%
OFF SUPPLY	55,853	37,200	45,000	44,000	-21%
FAC MAINT SU	517,700	570,409	570,000	513,830	0%
EQUIP MAINT	363,110	312,298	390,000	342,000	-25%
AG CONS SUPP	55,354	34,035	26,000	34,500	24%
OTHER SUPPLY	37,550	43,600	45,000	40,600	-3%
PRINT & BIND	28,417	28,000	56,000	32,500	-100%
UNIFORMS	37,322	34,077	36,000	34,577	-6%
COMMUNICATIO	97,981	105,250	105,000	111,000	0%
RENTALS	42,930	38,050	40,000	42,550	-5%
UTILITIES	440,884	423,200	464,000	454,000	-10%
PROF SERV	52,839	105,165	50,000	51,784	52%
OUTSIDE SERV	219,918	203,852	230,000	206,500	-13%
ADVER PUB	2,904	1,050	2,000	1,050	-90%
DATA PROC	2,846	5,000	2,200	5,000	56%
REIMBURSEMENT	8,012	7,375	9,000	7,375	-22%
EQUIPMENT	239,227	216,100	243,000	237,500	-12%
OTHER EXP	52	2,700	500	700	81%
LICENSES	204	697	1,200	697	-72%
Total Division	9,299,848	8,592,001	8,777,400	8,761,730	-2%

By Unit or Program:	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Field Mngt & Services	266,320	166,109	197,500	209,162	-19%
NW District Parks	1,922,927	1,777,106	1,819,300	1,861,086	-2%

NE District Parks	1,654,063	1,795,715	1,876,400	1,811,850	-4%
SW District Parks	2,257,088	2,017,331	2,120,800	2,061,117	-5%
SE District Parks	2,092,147	1,824,994	1,902,000	1,847,980	-4%
Total Parks Operations	8,192,545	7,581,255	7,916,000	7,791,195	-4%
Park & Preserve Programs	605,994	613,628	547,300	648,391	11%
Preserves Grants	19,558	23,847	10,000	0	58%
Tree, Trail & Historical Grants	209,747	145,300	45,000	78,840	69%
Cedar Rock	134,619	128,706	139,600	133,975	-8%
SRF Loan Service	0	2,757	0	0	100%
Div. Mngt & Misc.	137,385	96,508	119,500	109,328	-24%
Total, Division	9,299,848	8,592,001	8,777,400	8,761,729	-2%

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
PERS SERV	1,801,319	1,804,191	1,810,800	1,877,565	0%
SEASONAL HELP	81,704	122,976	87,000	122,362	29%
PERS TRV IN	40,119	42,800	45,000	41,200	-5%
STATE VEHICL	66,145	86,500	68,000	77,500	21%
DEPRECIATION	133,805	138,500	119,000	136,500	14%
PERS TRV OUT	8,189	8,800	5,500	11,500	38%
OFF SUPPLY	27,792	25,870	25,000	19,000	3%
FAC MAINT SU	49,992	33,500	45,000	35,500	-34%
EQUIP MAINT	57,760	49,000	60,000	55,500	-22%
AG CONS SUPP	125,118	113,000	80,000	74,000	29%
OTHER SUPPLY	12,826	19,900	24,000	38,000	-21%
PRINT & BIND	3,419	26,200	16,000	21,500	39%
UNIFORMS	13,640	14,300	7,000	13,000	51%
COMMUNICATIO	39,189	39,669	52,000	48,500	-31%
RENTALS	39,257	38,000	40,000	43,000	-5%
UTILITIES	30,741	36,800	34,000	31,000	8%
PROF SERV	19,546	8,820	15,000	1,500	-70%
OUTSIDE SERV	57,912	60,820	75,000	53,500	-23%
ADVER PUB	176	2,000	300	500	85%
DATA PROC	666	2,000	1,500	1,500	25%
REIMBURSEMENT	2,580	550	1,200	300	-118%
EQUIPMENT	140,782	71,861	41,000	71,574	43%
OTHER EXP	0	0	50	0	
	2,752,677	2,746,057	2,652,350	2,774,501	3%

By Cost Center or Unit:

	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Forest Nursery	545,298	573,464	520,000	550,116	9%
State Forest Mngt	90,150	93,951	94,000	92,240	0%
Shimek Forest	247,979	222,729	215,000	226,657	3%
Stephens Forest	147,574	171,505	171,000	180,280	0%
Yellow River Forest	249,382	229,354	231,000	231,855	-1%
Loess Hills Forest	171,673	145,469	146,350	154,758	-1%
Forest Bureau Mngt	133,589	126,709	131,500	133,722	-4%
Farm Forestry Services	745,926	748,699	715,000	770,379	5%
Trees for Kids Project	2,329	54,510	41,500	38,087	24%
Services Bureau Mngt	292,014	277,821	285,000	292,038	-3%
Division Mngt & Misc.	126,763	101,846	102,000	104,369	0%
Totals Division	2,752,677	2,746,057	2,652,350	2,774,501	3%

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
PERS SERV	2,340,475	2,445,164	2,334,000	2,659,970	5%
PERS TRV IN	18,491	51,756	25,000	38,668	52%
STATE VEHICL	10,970	14,000	13,000	15,000	7%
DEPRECIATION	18,515	20,000	12,500	21,000	38%
PERS TRV OUT	47,982	68,787	43,000	74,286	37%
OFF SUPPLY	29,069	36,105	33,000	34,458	9%
FAC MAINT SU	428	2,200	650	1,500	70%
EQUIP MAINT	2,810	6,550	1,600	4,200	76%
PROF SUPPLY	1,048	3,280	1,600	1,934	51%
OTHER SUPPLY	29,162	61,561	29,000	54,923	53%
PRINT & BIND	33,907	48,300	34,000	51,873	30%
UNIFORMS	402	1,000	400	800	60%
COMMUNICATIO	39,280	46,428	40,500	40,350	13%
RENTALS	2,764	3,100	2,500	2,500	19%
UTILITIES	18,227	16,400	22,000	19,400	-34%
PROF SERV	955,814	1,955,824	914,180	1,157,890	53%
OUTSIDE SERV	57,518	134,270	75,000	258,609	44%
ADVER PUB	624	1,000	1,000	2,500	0%

July 1996

Environmental Protection Commission Minutes

DATA PROC	4,492	19,530	6,000	7,886	69%
REIMBURSEMENT	8,164	6,635	6,500	5,385	2%
EQUIPMENT	136,163	158,381	170,000	159,228	-7%
OTHER EXP	5,408	4,742	0	5,300	100%
Total Division	3 761 713	5 105 013	3 765 430	4 617 660	26%

By Cost Center:

Energy:

	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Alternative Fuels	3,796	15,000	2,700	9,000	82%
Biomass	36,726	55,500	47,000	70,322	15%
SIFIC A	98,056	114,716	100,000	114,149	13%
SIFIC B	53,568	69,162	60,000	101,826	13%
SIFIC-Innovation Fund	0	0	2,500	107,350	
ICP-Administration	34,518	45,345	49,000	0	-8%
ICP-Marketing	244,178	337,583	200,000	70,000	41%
ICP-Programing	209,889	229,760	190,000	70,000	17%
ICP-M	50,988	108,647	8,110	0	93%
ICP-Prior Yrs Funding	44,316	125,074	60,000	0	52%
Mandatory-1	363,664	380,585	350,000	567,106	8%
Soya Diesel	6,017	151,009	50,000	123,517	67%
Bldg Code, Energy	0	197,380	48,000	110,371	76%
Technical Resources	0	0	3,330	0	
E-85 Promotion	0	0	27,000	25,000	
Heating Oil & Propane Program	0	16,290	14,000	21,566	14%
OOO-Local Govt	108,681	0	0	0	
Energy Advancement	70,033	67,090	75,000	85,285	-12%
Hydro-DOE	0	0	3,470	0	
Biomass Publicity	2,500	0	0	0	
Greenhouse Gas	31,051	103,335	60,000	28,916	42%
Federal Energy Bank	68,215	68,215	5,200	0	92%
Great Lakes Ethanol Grant	0	50,000	8,580	40,000	83%
Ethanol Seminar	0	50,000	18,060	0	64%
OOO-3 Administration	168,803	257,867	190,000	317,042	26%
EPA Risk Program	0	66,419	31,500	88,686	53%
Wind Assessment	0	159,077	0	0	100%
Ethanol Coalition	10,266	0	1,750	0	
Total Energy	1 605 265	2 668 054	1 605 200	1 950 136	40%

ICP= Institutional Conservation Program

OOO= Oil Overcharge Funding

SIFIC= State of Iowa Facilities Improvement Corporation

USGS= United States Federal Geological Survey

Geology Survey Bureau:

	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Big Springs Simulation Grant	5,083	11,950	12,600	6,167	-5%
Camp Dodge Wetland	0	23,520	19,000	25,473	19%
Camp Dodge Mapping	0	50,308	100	80,255	100%
Floyd Cty Ag Drainage Wells Project	0	54,167	25,000	25,000	54%
Geo/Mineral Resources	427,376	448,416	402,000	338,980	10%
Hydrology/Environment	397,186	405,913	420,000	465,178	-3%
NCDRS	6,717	0	0	0	
Big Springs Project	31,526	8,052	11,000	0	-37%
State Mapping	62,021	78,253	67,000	67,978	14%
Pesticide Mngt Project	39,973	32,000	36,000	50,000	-13%
Geology Information	227,880	226,404	220,000	238,035	3%
Wellhead Protection	11,248	20,922	5,110	0	76%
Integrated Farm Management	10,392	4,672	4,120	0	12%
Corydon Lake, Surface Water Study	12,379	26,026	15,500	0	40%
Big Springs Operations	126,986	178,601	72,000	109,208	60%
Pollution Prevention Prg.	255	0	0	0	
GIS	119,833	164,525	156,000	210,996	5%
319 Water Planning	27,114	40,365	35,000	53,031	13%
319 Water Planning-93	102,392	113,809	115,000	162,792	-1%
NSDI Geospatial	20,366	10,358	0	0	100%
Walnut Creek Restoration Project	62,427	86,152	100,000	164,497	-16%
Digital Mapping	0	0	0	64,446	
Wellhead Protection, EPA Grant	0	0	4,470	13,000	
Wellhead Protection, EPA & GW Funds	0	0	2,830	103,095	
USGS Cooperative	161,721	148,044	125,000	158,154	16%
Geology Bureau Mngt	213,813	212,543	220,000	236,713	-4%
Total Geology Bureau	2 066 688	2 345 000	2 067 730	2 572 998	12%
Division Mngt	89 760	91 959	92 500	94 526	-1%

Division Total	3,761,713	5,105,013	3,765,430	4,617,660	26%
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ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
PERS SERV	8,177,148	9,556,812	8,790,000	10,282,911	8%
PERS TRV IN	55,513	130,807	59,000	139,757	55%
STATE VEHICL	42,519	52,500	40,000	58,550	24%
DEPRECIATION	56,720	76,500	57,500	88,500	25%
PERS TRV OUT	72,774	193,332	99,000	267,982	49%
OFF SUPPLY	98,251	127,557	125,000	148,950	2%
FAC MAINT SU	3,133	4,300	6,000	5,670	-40%
EQUIP MAINT	16,909	19,750	20,500	21,700	-4%
PROF SUPPLY	0	1,250	0	1,250	100%
OTHER SUPPLY	22,997	46,567	17,000	39,684	63%
PRINT & BIND	74,754	109,600	95,000	147,341	13%
UNIFORMS	4,773	7,600	5,000	8,600	34%
COMMUNICATIO	177,611	177,850	200,000	286,950	-12%
RENTALS	87,694	119,500	120,000	288,800	0%
UTILITIES	18,207	24,811	25,000	22,444	-1%
PROF SERV	2,667,560	6,716,468	3,642,500	5,756,051	46%
OUTSIDE SERV	87,877	91,446	70,000	161,500	23%
ADVER PUB	6,314	12,900	8,000	9,826	38%
DATA PROC	189,747	217,106	170,000	226,437	22%
REIMBURSEMENT	62,713	67,600	50,000	65,000	26%
EQUIPMENT	956,082	1,746,333	1,350,000	986,170	23%
OTHER EXP	15,213	12,720	500	15,750	96%
Total Division	12,894,509	19,513,309	14,950,000	19,029,823	23%

By Cost Center & Bureau:

	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Water Quality Bureau:					
NPDES Permitting	773,553	692,572	715,000	683,048	-3%
Sewer Overflow Planning	4,569	92,000	5,500	99,510	94%
Storm Water Permitting	119,337	146,751	130,000	216,433	11%
Livestock Permits	0	89,990	195,000	215,985	-117%
Construction Grants	53,557	38,304	39,500	15,288	-3%
State Revolving Grant	291,112	350,280	228,000	372,372	35%
GW County Grants Mngt	33,094	44,849	55,500	44,365	-24%
205J Water Pl. Planning	8,113	0	0	0	
Groundwater Promotion	161	8,642	6,800	0	21%
Lakes Assessment	20,158	0	0	0	
604B Water Planning	243,993	177,632	172,000	151,931	3%
319 Water Planning-90	38,576	84,116	20,000	34,000	76%
Floodplain Reg & Mngt	285,888	298,649	249,000	314,153	17%
319 Water Planning-91	69,672	157,400	25,000	49,450	84%
319 Water Planning-92	185,769	204,025	125,000	150,000	39%
319 Water Planning-93	396,454	250,000	190,000	250,000	24%
319 Water Planning-94	155,229	1,131,346	538,000	250,000	52%
319 Water Planning-95	0	0	76,000	481,077	
319 Water Planning-96	0	0	0	50,000	
Water Supply Regulation	793,650	1,022,989	800,000	1,144,988	22%
Water Rights Mngt	124,140	124,105	114,000	127,355	8%
Operator Certification Spt	5,628	38,650	5,400	60,675	86%
Well Contractor Permits	13,496	27,649	27,500	31,465	1%
Animal Study	0	50,000	0	50,000	100%
Pl. Prevention PPTW	50,000	0	0	0	
Water Supply-93 Flood	218,645	750,000	450,000	225,000	40%
Wastewater-93 Flood	32,459	155,000	145,000	75,000	6%
Waste Allocation, Wtrshds	35,838	76,000	20,500	28,366	73%
Lab Certification	34,000	45,600	38,000	115,250	17%
Stream Watershed Plan	0	27,379	2,400	53,464	91%
Coliform Study	0	50,000	27,000	10,000	46%
Total Water Quality Bureau	3,987,091	6,133,928	4,400,100	5,299,175	28%

Air Quality Bureau:

	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Air Quality Regulation & Planning	1,142,747	1,338,206	1,270,000	1,333,201	5%
Title V, Permitting, Enforcement	1,423,160	5,217,448	3,250,000	4,631,870	38%
Air-Field Support	304,014	0	23,600	0	
Total Air Quality Bureau	2,869,921	6,555,654	4,543,600	5,965,071	31%

	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Land Quality Bureau:					
Site Mapping	0	5,000	0	0	100%
Waste Management	483,500	418,685	492,000	668,794	-18%
Solid Waste, Flood-93	23,314	100,000	0	0	100%
Solid Waste Authorization	12,476	57,771	47,000	59,960	19%
GW Professional Registration	6,380	11,100	32,000	11,100	-188%
UST	239,278	295,751	232,600	303,755	21%
LUST Cleanup	682,159	815,966	591,000	828,194	28%
Hazardous Waste Sitting	188,712	276,178	163,000	203,970	41%
Remedial Activity	17,395	64,809	24,000	67,021	63%
AIDEX Monitoring	6,653	6,600	1,100	6,600	83%
Superfund Program Management	182,386	236,114	186,000	169,992	21%
Multisite, Investigation & Assess.	88,511	55,563	70,500	52,340	-27%
General Motors Site Mngt	0	45,811	0	47,311	100%
Waste Tire Permitting	0	0	0	500	
Emergency Response	174,749	191,673	196,000	209,812	-2%
LUST Field Support	171,686	103,000	5,800	100,000	94%
Total Land Quality Bureau	2,277,199	2,684,021	2,041,000	2,729,349	24%

	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Compliance & Enforcement Bureau:					
LUST Cleanup	404,353	502,862	515,000	567,806	-2%
Air Quality-Field	301,872	401,328	397,000	783,587	1%
Wastewater-Field	1,410,594	1,218,346	1,261,000	1,280,213	-4%
Water Supply-Field	393,385	552,834	538,000	607,544	3%
Waste Mngt-Groundwater	461,850	585,908	580,000	695,464	1%
GW(106), Investigations, Surveys	171,575	233,754	76,100	205,252	67%
Water Supply Technical	143,449	157,602	143,200	263,970	9%
Livestock-Field	0	0	0	139,000	
Legal/Compliance Mngt	337,893	393,633	365,000	397,335	7%
Total Compliance & Enforcement Bureau	3,624,971	4,046,267	3,875,300	4,940,171	4%
EPD Division Mngt & Misc	134,527	93,439	90,000	96,057	4%
Totals, EPD Division	12,893,709	19,513,309	14,950,000	19,029,823	23%

FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
PERS SERV	12,485,277	12,227,973	12,465,000	12,946,097	-2%
SEASONAL HELP	785,126	802,414	741,000	837,412	8%
PERS TRV IN	371,415	355,522	355,000	362,722	0%
STATE VEHICLE	540,298	506,700	505,500	512,700	0%
DEPRECIATION	680,640	753,316	707,500	757,696	6%
PERS TRV OUT	33,831	48,400	38,000	51,400	21%
OFF SUPPLY	276,247	303,868	275,000	254,818	10%
FAC MAINT SU	377,293	458,687	340,000	453,707	26%
EQUIP MAINT	451,909	350,636	500,000	353,036	-43%
PROF SUPPLY	0	10,000	0	10,000	100%
AG CONS SUPP	340,020	366,258	310,500	393,858	15%
OTHER SUPPLY	171,384	103,577	200,000	113,077	-93%
PRINT & BIND	218,479	283,625	347,000	313,989	-22%
UNIFORMS	161,845	132,575	90,000	132,125	32%
COMMUNICATIO	293,531	204,100	312,000	301,600	-53%
RENTALS	57,169	65,035	55,000	65,160	15%
UTILITIES	206,398	242,216	238,000	242,216	2%
PROF SERV	343,892	392,780	350,000	385,666	11%
OUTSIDE SERV	185,806	170,362	160,000	171,862	6%
ADVER PUB	1,883	2,600	3,500	23,600	-35%
DATA PROC	74,037	64,000	88,000	64,000	-38%
REIMBURSEMENT	72,133	68,450	65,000	121,269	5%
EQUIPMENT	1,219,428	951,034	760,000	868,010	20%
OTHER EXP	44,003	34,353	3,500	44,353	90%
LICENSES	1,053	300	300	300	0%
Division totals	19,393,097	18,898,781	18,909,800	19,780,673	0%

By Cost Center & Bureau	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Law Enforcement:					
NW District	909,475	875,617	851,000	877,545	3%
NE District	1,167,024	1,031,068	1,092,300	1,089,504	-6%
SW District	724,601	716,345	733,500	760,226	-2%
SE District	930,606	866,647	949,600	948,392	-10%
NC District	773,362	719,534	759,300	807,333	-6%

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SC District	839,695	814,050	866,200	909,926	-6%
Hunter Safety	378,809	338,193	334,200	348,079	1%
Boating Safety	163,861	129,694	155,200	135,239	-20%
Snowmobile Safety	57,703	62,254	62,400	65,056	0%
TIP Expenses	1,040	450	0	450	100%
Big Creek Range Maint.	8,505	7,000	7,700	7,000	-10%
Boat Equip. Project	380,466	0	0	0	
Bureau Mngt	491,749	534,747	520,200	548,718	3%
Total Law Enforcement	6,826,896	6,095,599	6,331,600	6,497,468	-4%

	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Fisheries:					
Hatcheries:					
Big Springs	210,831	237,967	205,000	221,131	14%
Decorah	264,274	243,500	230,000	247,903	6%
Fairport	154,931	169,272	165,000	189,145	3%
Manchester	240,045	270,181	243,000	248,758	10%
Rathbun	480,638	451,327	489,000	466,207	-8%
Spirit Lake	335,522	351,771	356,000	361,525	-1%
Total Hatcheries	1,686,241	1,724,018	1,688,000	1,734,669	2%
Fisheries Management:					
NW District	570,195	596,126	558,200	606,357	6%
NE District	600,611	609,496	616,800	624,354	-1%
SW District	485,076	471,860	472,300	485,020	0%
SE District	504,173	514,837	493,400	525,285	4%
Total Fisheries Management	2,160,055	2,192,319	2,140,700	2,241,016	2%

	Actual FY95	Budget FY96	Actual(Est)	Budget FY97	%FY96 Under
Fisheries Research:					
Miss. River Mont.	312,272	316,604	328,100	325,882	-4%
Aquatic Education	79,555	68,078	67,800	70,307	0%
Milfoil Project	0	0	0	99,482	
Bellevue	162,258	156,406	172,600	169,309	-10%
Walleye Fingerling Project	93,020	46,554	86,600	5,000	-86%
Chariton	251,275	232,032	250,800	240,081	-8%
Cold Springs	119,272	118,562	118,700	120,285	0%
Bozeman Project	1,293	5,000	5,500	5,000	-10%
Manchester	85,411	77,752	94,200	117,639	-21%
Fish Production Drug Study	20,000	20,000	20,000	20,000	0%
Rathbun	124,169	153,042	123,900	161,156	19%
Spirit Lake	136,339	124,738	135,700	129,209	-9%
Tagging Study	0	8,905	0	0	100%
MARIS Study	0	10,000	0	10,000	100%
Total Fisheries Research	1,384,864	1,337,673	1,403,900	1,473,350	-5%
Fisheries Bureau Mngt	400,923	506,765	463,040	549,646	9%
Total Fisheries Bureau	5,632,083	5,760,775	5,695,640	5,998,681	1%

	Actual	Budget	Actual(Est)	Budget	%FY96 Under
Wildlife Bureau:					
Wildlife Area Maint. & Mngt:					
NW District	990,921	964,651	958,500	996,023	1%
NE District	926,364	884,604	889,200	914,126	-1%
SW District	964,217	919,794	931,200	946,240	-1%
SE District	1,059,801	1,097,705	1,089,800	1,123,849	1%
Wetlands Project	35,430	30,214	25,400	30,963	16%
Corps Reservoirs	214,431	282,321	271,300	284,513	4%
Total Area Management	4,191,164	4,179,289	4,165,400	4,295,714	0%

	Actual FY95	Budget FY96	Actual(Est) FY96	Budget FY97	% FY96 Under(Over)
Wildlife Research:					
Boone Office Expenses	42,060	51,871	49,400	206,699	5%
Boone	255,209	244,211	205,300	99,916	16%
Turkey Poults Project	32,350	0	32,900	91,576	
Chariton	193,546	217,574	157,300	134,426	28%
Clear Lake	186,028	209,919	215,100	114,160	-2%
Neotropical Migrant	40,635	55,152	46,100	55,152	16%
Watchable Wildlife Guide	12,631	40,000	28,400	101,271	29%
Wildlife Diversity Project	205,111	206,799	244,500	225,066	-18%
REAP ED Grant	0	10,000	0	0	100%
Total Wildlife Research	967,570	1,035,526	979,000	1,028,266	5%
Bureau Mngt & Misc	1,420,291	1,413,555	1,446,800	1,490,274	-2%
Total Wildlife Bureau	6,579,025	6,628,370	6,591,200	6,814,254	1%
FW Division Mngt & Misc	355,094	414,037	291,360	470,270	30%
Total FW Division	19,393,098	18,898,781	18,909,800	19,780,673	0%

WASTE MANAGEMENT ASSISTANCE DIVISION

E96Jul-9

EXPENSE CATEGORY	Actual	Budget	Actual(Est)FY96	Budget	%FY96
PERS SERV	766,664	782,200	773,000	897,571	1%
PERS TRV IN	29,522	47,214	31,000	60,855	52%
PERS TRV OUT	23,060	39,165	20,500	37,505	91%
OFF SUPPLY	9,635	32,030	12,500	60,172	156%
EQUIP MAINT	634	1,900	1,050	915	81%
OTHER SUPPLY	24,011	45,445	35,000	13,270	30%
PRINT & BIND	30,863	61,258	45,000	109,393	36%
COMMUNICATIO	14,932	16,000	15,000	20,000	7%
RENTALS	691	800	800	4,390	0%
PROF SERV	75,578	123,897	30,000	392,413	313%
OUTSIDE SERV	7,480	9,886	9,000	11,835	10%
ADVER PUB	613	13,500	7,500	12,475	80%
DATA PROC	4,157	4,750	2,700	3,900	76%
REIMBURSEMENT	25,209	15,110	23,000	59,870	-34%
EQUIPMENT	14,702	63,400	34,900	17,574	82%
OTHER EXP	5,796	6,650	50	6,700	13200%
Total WMA Division	1,033,547	1,263,205	1,041,000	1,708,838	21%
By Program:					
Planning and Grants	191,043	215,777	210,000	348,136	3%
Waste Reduction Incentives	320,862	311,471	340,000	470,522	-8%
Waste Reduction Assistance	34,881	131,257	95,000	192,492	38%
Pollution Prevention Incentives	155,910	0	0	0	
Hospital Pollution Prevention	11,850	22,200	4,700	13,930	372%
WRAP Team	0	176,250	82,000	292,646	115%
Waste Reduction	132,264	197,779	123,756	161,196	60%
Source Reduction Program	0	3,558	0	3,558	
WMA Division Mngt	186,737	204,913	193,000	226,358	6%
Total WMA Division	1,033,547	1,263,205	1,048,456	1,708,838	20%

Mr. Slatterly presented the expenditure reports for each division noting that the department will end the fiscal year under budget. He added that there will need to be an appropriations transfer to Parks Division, which will come from other divisions that have not exceeded their budget.

Discussion took place on various items in the budget.

Director Wilson stated that it would help to have assistance from several representatives of the Commission to meet with him and several staff members to discuss budget impacts relative to EPD. He related that he and several staff members would meet in the near future with the Commission representatives.

Mr. Slatterly discussed the State Auditor's report to the department.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Lindsey Larson (livestock rules 65.18(1))

Lindsey Larson, Iowa Farm Bureau, presented the following written statement to the Commission:

"My name is Lindsey Larson and I am here on behalf of the Iowa Farm Bureau. I am also here as a member of the Animal Agriculture Consulting Organization (AACO), the committee responsible for advising the DNR and EPC on the implementation of House File 519. You have

been discussing these rules for some time now and are aware of our position through written comments and testimony. Farm Bureau's major concern with the proposed rule is its potential impact on existing smaller producers.

The June 1 USDA Hog and Pig Report showed Iowa with an 8% drop in market hog inventory and a 13% drop in our breeding herd. North Carolina showed a 17% increase in their inventory, and Oklahoma showed a 46% increase. If the present rate of growth continues, North Carolina will have greater market share than Iowa within 16 months.

We feed more than half of our state's corn to livestock. Losing this market means higher farm to market transportation costs, lower term market prices, lower farm income and less economic development for rural areas of the state. To keep up with inflation and an increasing standard of living, farmers need to expand some part of their operation or seek off-farm income.

There are many competitive pressures on livestock producers, regulatory pressures being one of them. This additional regulatory requirement may send more producers over the edge to quitting their livestock operation or at the minimum they will increase the costs of raising livestock in a tight margin business. While costs will vary from operation to operation, the rules increase operating costs.

The proposed rules require that the operation keep a current MMP and records of the manure application. If a consultant is hired to write the manure management plan, it is estimated to run around \$1500 to \$2500. The producer may have to acquire more land or manure rights. The producer also has to keep records of the crops planted, crop yields, and fertilizer application for each field that manure is applied on. The DNR can inspect these records and fine the producer if the manure hasn't been applied exactly as the plan indicates. If a producer fails to submit this plan, it could also count as a strike for the habitual and chronic violator provisions. All of these things cost time and money.

Last fall, emergency rules were adopted by you at the urging of AACO because we decided that large operators should not be able to circumvent the rules by building new facilities just under the permit thresholds. The facilities were being built on a smaller number of acres without enough land for manure application. However, we did not want to penalize existing small producers who were doing a good job of managing their manure application. The members of AACO will continue monitoring the implementation of House File 519. If AACO determines that the rules are inadequate or need further definition, we will recommend that additional rules be adopted.

The rules before you were not recommended by AACO. They were not brought forward by a citizen commenting on the rules because of situation that needed to be addressed. They were brought forward by DNR staff because of a perceived loophole in the rules. Our state's laws include many cases where different situations are treated differently. For example, small sources do not have to get the complicated Title V air permits, and low risk leaking underground storage tank sites do not have the same requirements. Persons in different situations should be treated differently when there is a good reason.

In this situation, we want to encourage existing small producers to continue producing and to expand so that they can compete with the large operations, the North Carolina's and the Oklahoma's. The adoption of these rules would send a negative message to our independent producers that they are no different than the large operators they are trying to compete against. We ask that you terminate this rulemaking but ask that the DNR staff and the AACO advisory committee monitor the situation in case future action is needed."

Brent Halling (livestock rules 65.18(1))

Brent Halling, Dallas County farmer, discussed the proposed rule change to expand the scope of the rules adopted by the Commission on manure management planning for operators who use concrete manure storage structures. He asked the Commission not to adopt the proposed rule. He noted that the most recent rule change would greatly increase the number of existing family operators required to develop MMPs. He added that the proposed rule is unnecessary and is not consistent with the general principle established by the legislature not to over-regulate existing family farms. He expanded on the requirements of the proposed rules and gave some examples of operations that would need a MMP under the rules. Mr. Halling stated that some people portray the rules as a potential loophole for habitual violators or operators with pending enforcement actions. He related that the concern is that some operators could purchase existing confinement sites and then expand the site with concrete manure storage structures up to the 625,000 pound permit threshold with obtaining a construction permit or developing a MMP. Mr. Halling noted that it cannot happen under the rules that are already adopted by the Commission because, 1) a person with a pending enforcement action is already required to obtain a permit for any structure, earthen or concrete, which exceeds the 200,000 pounds animal weight capacity; 2) the department is prohibited from issuing any construction permits to operators with pending enforcement actions; and 3) a person with a pending enforcement action is prohibited from purchasing or acquiring legal responsibility or controlling interest in any additional permitted confinement feeding operations. Mr. Halling stated that there is no public support for the rule and it would place an unnecessary burden on a large number of existing smaller family operators who are already covered by adequate requirements for manure management handling. He asked the Commission to reject the proposed rules.

Mike Johnston (D.M. Metro Landfill)

Mike Johnston, Jasper County, stated that he lives near the Des Moines Metro Landfill and he circulated photos of the landfill's composting site and litter in the area. He noted that they are building a new composting facility and expressed concerns that the liquid landfill wastes that are discarded by pouring it over the compost will run off on to his land. He related that D.M. Metro does not have a design for a holding facility and the drainage will eventually run through a culvert underneath the highway and onto his land. Mr. Johnston stated that the landfill could have put the composting facility on the back side of the landfill. He added that the neighbors get a tremendous amount of odor coming from the compost. He indicated that the landfill does not shut down the facility when the wind is blowing hard and he thought they were supposed to.

Discussion took place on runoff from the compost pile.

Teresa Hay stated that the new composting facility will be operational this fall and the landfill will spread the compost on their own land for cover.

Discussion followed on spreading and also on separation distances.

Kathryn Draeger asked if the Commission has the option of reconsidering the grant that was given the landfill for the new composting facility.

Director Wilson stated that if the Commission is going to discuss rescinding a grant, in all fairness, they need to talk to representatives of the landfill as well.

Kathryn Murphy asked if there are separation distance requirements for this type of facility.

Al Stokes stated that there are separation distances in the rules and the distance for a yard waste composting facility is 100 feet from a neighboring residence. He related that rules covering those distances were previously approved by the Commission, but noted that if the Commission thinks those separation distances are not sufficient and want to form a task group to review the rules it can be done. He stated that the D.M. Metro Landfill is currently in compliance with separation distances. He related that significant inspections of the facility have been done over the past month and staff have not found violations of the composting regulations for yard waste. Mr. Stokes noted that if the new facility is co-composting with garbage and other materials or introducing leachate or other waters they will be required to build runoff containment devices or leachate control devices. He stated that wind blown litter is a problem at almost any landfill and there are requirements to contain litter. He related that there are no requirements for landfills to cease operations because of high wind days but some operators choose to do so. He stated that the new facility under construction will get permits from the department and will have to meet the department's requirements.

Gary Priebe stated that there may be a need to review the 100 foot separation distance, adding that it seems ridiculous to keep hog buildings at a 1250 foot distance and yet condone leachate and composting operations within 100 feet of a residence.

Discussion took place in regard to the Commission possibly taking a tour of the landfill next month.

Charlotte Mohr stated that, in all fairness, she feels the Commission should invite the director of the landfill in to visit with the Commission next month.

Mike Fields (IWPCA History Book)

Mike Fields, Director of Water Pollution Control at Marshalltown, stated that he is representing the Iowa Water Pollution Control Association and related that they are a non-profit association and educational organization. He noted that their mission is to promote the advancement of the design, construction, operation and management of water pollution control facilities in the state of Iowa. He introduced Harris Seidel, retired Water Pollution Control Director with the City of Ames and past IWPCA president, and noted that they are here to present the Commission with a copy of their new book entitled "History of Iowa Water Pollution Control Association."

Chairperson King thanked Mr. Fields and Mr. Seidel for their presentation.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM APPLICATIONS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received thirty-five (35) applications for financial assistance consideration during the June 1996 round of funding. Nearly \$10.8 million dollars was requested. Approximately \$1.5 million is available to award to selected applicants.

A summary of applications received is attached for the Commission's information. Application review is scheduled to be completed by the end of July. It is anticipated that contracts will be submitted to the Commission for approval beginning with the September 1996 meeting.

**LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM
APPLICATIONS RECEIVED -- DECEMBER 1995**

The following table and project proposal summaries were prepared after a brief review of applications submitted for funding consideration. A total of \$10,792,631 was requested by thirty-five (35) applicants. Project summaries identify the amount and type of funding assistance as requested by the applicant. The appropriateness of the type of financial assistance requested (grant vs. loan) is subject to change based on the following:

Projects eligible to receive grant assistance include: 1) projects that have public education as the primary focus on such topics as waste reduction and recycling; 2) projects that reduce, avoid or eliminate the generation of solid waste at the source; 3) projects that develop new technologies in managing solid waste; and 4) projects that implement an existing solid waste management technology for the first time in Iowa.

Projects eligible to receive zero interest loan assistance include: 1) projects that do not fit in the above project categories; 2) combustion with energy recovery projects; 3) combustion for volume reduction projects; 4) projects that involve expansions or improvements to an existing facility or operation using existing technologies; and 5) projects that replicate similar projects in Iowa.

Applications Received By Applicant Type	# Received	Request Amount
Local Government	7	\$ 899,757
Private For Profit	22	\$ 9,487,358

Private Not For Profit	6	\$ 405,516
Applications Received By Project Type	# Received	Request Amount
Education	9	\$ 588,794
Waste Reduction	6	\$ 1,247,400
Research and Development or Demonstration	12	\$ 6,552,739
Zero Interest Loan	8	\$ 2,403,698

Application 1:	Moulded Fibre Technology -- Kevin Donoghue -- 508-352-2200 172 East Main Street Georgetown, MA 01833	
Request:	\$350,000 - Grant	Project Title: Recycled Content Product Manufacturing
Applicant:	Private For Profit	
Description:	The applicant is proposing to install a second production machine at their new Clinton, Iowa facility for the manufacture of interior packaging products. Their product is custom designed, precision moulded fibre packaging made primarily from 100% recycled ONP and similar paper. The facility will expand itself as a paper market and recycle approximately 2,100 tons per year with the second production machine, an increase of approximately 1,000 tons annually. In addition to the Iowa facility, the applicant has existing plants in Maine and California. Installation of the second machine will add another 20 new Iowa jobs, for a projected total of 50 to 60 positions at this new company. Financial assistance is requested for the purchase and installation of the moulded fibre manufacturing machine.	
Application 2:	Eastern Iowa Environmental Education -- Renea Blasdel -- 319-362-5738 305 Second St., SE, Suite 212 Cedar Rapids, Iowa 52401	
Request:	\$65,243 -- Grant	Project Title: Reuse Center Expansion
Applicant:	Private Not For Profit	
Description:	The applicant is proposing to develop a recycling and reuse education program and expand the existing reuse facility. Financial assistance is requested for a delivery van, wages and education material development.	
Application 3:	Roger Wahl -- 319-266-2131 3433 Jepsen Road Cedar Falls, Iowa 50613	
Request:	\$475,000 - Grant	Project Title: Waste Tire Processing
Applicant:	Private Not For Profit -- Black Hawk County	
Description:	The applicant is proposing to demonstrate a method of collecting and processing tires using a vehicle capable of shredding whole tires into TDF, compacting the tire shreds and transporting the tire shreds to an end market. The applicant's farm and existing waste tire stockpile, located in Chickasaw County, will be used as the test site. Financial assistance is requested for the processing vehicle, equipment and wages.	
Application 4:	RK Industries, Inc. -- Robert Kroger -- 319-359-9500 1039 State St., Suite 203 P.O. Box 803 Bettendorf, Iowa 52722	
Request:	\$51,577 -- Grant	Project Title: Recycled Plastic Composite
Applicant:	Private For Profit	
Description:	Applicant is proposing to manufacture a variety of products as an alternative to wood. Products would be a composite of plastic and agricultural cellulose materials (e.g., oat hulls, corn cobs,	

etc.). Initial production would involve the manufacture of pallets and shipping crates. Financial assistance is requested for wages, travel and tooling and dies.

Application 5:	Waste Conversion Technology of Iowa, Inc. -- David Rodney -- 312-465-0700 P.O. Box 4532 Davenport, Iowa 52808	Project Title: Organic Waste To Fertilizer
Request:	\$4,713,010 -- Grant	
Applicant:	Private For Profit	
Description:	Proposing to convert non-toxic organic waste into fertilizer. Targeted materials are municipal organic waste from a three county area (Wapello, Davis and Van Buren) and sewage sludge from the City of Ottumwa. The materials will be processed then mixed with nutrients and trace minerals, dried and marketed. Financial assistance is requested for building construction, equipment, vehicles, operating expenses, inventory and working capital.	
Application 6:	W.G. Block Company -- Judi Brooks -- 319-326-1651 317 E. 4th Street P.O. Box 3010 Davenport, Iowa 52808-3010	Project Title: Waste Concrete Recycling
Request:	\$293,200 -- Grant	
Applicant:	Private For Profit	
Description:	Applicant is proposing to recycle waste concrete from their trucks. Using water and a series of screens, rock and sand will be separated from the unused paste concrete and reused at the ready mix plant. Waste water will be directed to a series of settling ponds for reuse. Financial assistance is requested for building construction, equipment, wages, and operating expenses.	
Application 7:	Carroll County Solid Waste Management Commission -- Jim Ulveling -- 712-792-5001 19111 Kittyhawk Avenue Carroll, Iowa 51401	Project Title: Recycling Center Expansion
Request:	\$400,000 -- Loan	
Applicant:	Local Government	
Description:	Applicant is proposing to modify and expand the recycling center to improve material handling and worker safety. The applicant serves the recycling needs of six west central Iowa counties. Financial Assistance is requested for building construction and equipment.	
Application 8:	Alket Industries, Inc. -- Cloyce Palmer -- 319-656-5100 2148 Hwy. 22W P.O. Box 849 Kalona, Iowa 52247	Project Title: Plastic Recycling
Request:	\$108,836 -- Grant	
Applicant:	Private For Profit	
Description:	The applicant manufactures a variety of plastic products as an alternative to wood. Currently waste plastic purchased by the applicant is shipped to Chicago to be ground. The proposed project involves improving operating efficiency by purchasing a plastics grinder to reduce shipping expenses. Financial assistance is requested for building construction and equipment.	
Application 9:	H & L Pallet Company -- Cyril Hoover -- 515-482-3247 1659 A & B Marshalltown Blvd. Marshalltown, Iowa 50162	Project Title: Wood Mulch and Bedding Production
Request:	\$85,000 -- Loan	
Applicant:	Private For Profit	
Description:	Applicant currently manufactures wood pallets and has accumulated a large stockpile of wood scrap. Proposing to eliminate the current stockpile and newly generated waste wood by processing into mulch and animal bedding. The applicant is requesting financial assistance for	

equipment.

Application 10: Elderbridge Agency on Aging -- Jeanne Beatty -- 515-424-0678
 22 North Georgia, Suite 216
 Mason City, Iowa 50401-3435 Project Title: Reusable Meal Program
Request: \$111,621 -- Grant
Applicant: Private Not For Profit
Description: Applicant is proposing to implement and improve reusable meal tray programs serving twenty (20) north central Iowa counties. The applicant is responsible for the daily preparation of 3,000 meals at 59 different locations. Financial assistance is requested for garbage disposals, dishwashers, water softeners and reusable meal trays and containers.

Application 11: Atlas Structures, L.L.C. -- Ron Sweeney -- 319-568-4630
 1639 Green Valley Rd. NW
 Waukon, Iowa 52172 Project Title: Waste Tire Recycling
Request: \$16,185 -- Grant
Applicant: Private For Profit
Description: Applicant is proposing to demonstrate construction applications of baled waste tires encased in cement at Blue Stem Solid Waste Agency's recycling center and landfill in Linn County. The applicant will use the "building blocks" to construct 3 sided bunkers to demonstrate their use as retaining and push walls and construct a wall to sign the landfill and recycling center. Financial assistance is requested for wages, materials, and engineering.

Application 12: Bioengineering Resources, Inc. -- James Gaddy -- 501-521-2745
 1650 Emmaus Road
 Fayetteville, AR 72701 Project Title: Deicer Alternative From Organic Waste
Request: \$592,680 -- Grant
Applicant: Private For Profit
Description: The applicant is proposing to install a system at Cryotech Deicing Technology, located in Fort Madison, Lee County, that will produce calcium magnesium acetate and potassium acetate from organic municipal solid waste. Acetic acid deicers are an environmentally friendly alternative to rock salt and glycol deicers. MSW will be delivered to the landfill where contaminants will be sorted out (recyclables and non-organics). Resulting materials will be delivered to the Cryotech site for the manufacture of acetic acid. Financial assistance is requested for equipment.

Application 13: Back To Nature, Inc. --Jerome Maier -- 515-448-5205
 809 South Jackson
 Eagle Grove, Iowa 50533 Project Title:
Request: \$500,000 -- Loan
Applicant: Private For Profit
Description: Applicant is proposing to process chicken manure, spent hens, and hatchery waste into two separate products, an organic fertilizer and a livestock feed additive. The applicant will serve as an alternative to landfilling primarily serving Wright and Iowa Counties. Financial assistance is requested for equipment.

Application 14: BioFuels Corporation -- Jeff Carter -- 515-964-6787
 2010 South Ankeny Blvd.
 Ankeny, Iowa 50021 Project Title: Manufacture of Biomass Fuel Cubes
Request: \$355,140 -- Grant
Applicant: Private For Profit
Description: The applicant is proposing to develop a system capable of blending a variety of biomass waste streams into a tailored fuel product that can be directly fired in a gasification unit. The fuel

cubes will be utilized in a fluidized bed gasification unit located in Cedar Rapids and owned by the applicant for the production and marketing of electricity. Financial assistance is requested for equipment, building construction and engineering expenses.

Application 15:	Howard County Conservation Board -- Harold Chapman -- 319-547-3634 County Courthouse 137 North Elm Street Cresco, Iowa 52136	Project Title: Recycled Playgrounds
Request:	\$36,032 -- Grant	
Applicant:	Local Government	
Description:	Applicant is proposing to construct two playground areas from recycled content materials, including playground equipment, site furniture, safety surfacing and landscaping materials. The two recreation area developments will be incorporated into existing environmental education curriculums. Financial assistance is requested for the purchase of the playground equipment, site furniture and landscaping materials.	
Application 16:	Clinton County Area Solid Waste Agency -- Chuck Goddard -- 319-243-4749 4292 220th Street P.O. Box 996 Clinton, Iowa 52733-0996	Project Title: Reuse Center
Request:	\$19,334 -- Grant	
Applicant:	Local Government	
Description:	Proposing to construct and operate a reuse center for tools, furniture, plumbing and construction materials, etc. Financial assistance is requested for equipment and building construction.	
Application 17:	Tire-Tech Environmental Systems, Inc. -- Lester Taylor -- 319-264-3608 1602 Musser Street P.O. Box 18 Muscatine, Iowa 52761-0018	Project Title: Waste Tire Processing Center Improvements
Request:	\$347,456 -- Loan	
Applicant:	Private For Profit	
Description:	Applicant collects/accepts waste tires from several south central and southeastern Iowa landfills. Waste tires are processed into TDF and marketed locally. Financial assistance is requested for building renovation and equipment.	
Application 18:	Floyd-Mitchell Solid Waste Management Agency -- Betty McCarthy -- 515-732-5861 3354 330th St. P.O. Box 32 Osage, Iowa 50461	Project Title: Waste Reduction and Recycling Education
Request:	\$33,160 -- Grant	
Applicant:	Local Government	
Description:	The applicant is proposing to develop and implement a comprehensive education program on waste reduction and recycling practices. Education programs will target the general public, schools, business, industry and governmental agencies. Financial assistance is requested for wages, travel, education material and program development and indirect costs.	
Application 19:	South Central Iowa Solid Waste Agency -- Pete Duffy -- 515-828-8545 1736 Highway T17 Tracy, Iowa 50256	Project Title: Waste Reduction and Recycling Education
Request:	\$269,400 -- Grant	
Applicant:	Local Government	
Description:	Applicant is proposing a multi-year project to educate specific sectors of the public about integrated solid waste management in general and waste reduction and recycling in particular	

within a four county area. Financial assistance is requested for hiring an environmental education specialist, development of education materials and travel expenses.

Application 20:	Waste Management of Iowa, Inc. - Dan Rigazio -- 515-265-5267 201 SE 18th Street P.O. Box AX Des Moines, Iowa 50303	Project Title: Waste Reduction and Recycling Education
Request:	\$51,952 -- Grant	
Applicant:	Private For Profit	
Description:	Applicant is proposing an educational program utilizing a robot mascot to educate and disseminate information to the general public regarding the merits of waste reduction, recycling and protecting our environment in the Des Moines metropolitan area. Financial assistance is requested for personnel and equipment.	

Application 21:	Christy Corporation and Freese Lime and Rock -- Patty Freese -- 319-235-4402 729 W. Airline Hwy. Waterloo, Iowa 50703	Project Title: Ag Lime Alternative
Request:	\$193,500 -- Grant	
Applicant:	Private For Profit	
Description:	Applicant recycles fly ash from fluidized bed boilers as an alternative product for decreasing acidity of agricultural land. Applicant proposes to pelletize the fly ash to improve material handling and land application. Financial assistance is requested for equipment.	

Application 22:	Trees Forever -- Shannon Ramsay -- 319-373-0650 1233 7th Avenue Marion, Iowa 52302	Project Title: Waste Reduction and Recycling Education
Request:	\$81,000 -- Grant	
Applicant:	Private Not For Profit	
Description:	Applicant is proposing to provide waste reduction and recycling education targeting the general public and small to medium retail businesses. As an incentive to increase participation and reduce landfilling, the applicant will establish a tree planting grant program available to communities that implement education programs. Financial assistance is requested for education/promotion materials, program development and management, travel and wages.	

Application 23:	Iowa State Men's Reformatory -- Glen Hansel -- 319-462-3504 Ext. 215 or 295 North High Street Anamosa, Iowa 52205	Project Title: Recycling Program Expansion
Request:	\$64,609 -- Grant	
Applicant:	Local Government	
Description:	The applicant is proposing to expand recyclables processing operations to accommodate increased materials received from Jones, Linn, Cedar, and Johnson Counties. Formal presentations will be made to corrections staff and prison administrators at statewide meetings in an effort to initiate similar programs at other state corrections facilities. Financial assistance is requested for building construction, equipment and educational materials.	

Application 24:	Iowa State Men's Reformatory -- Glen Hansel -- 319-462-3504 Ext. 215 or 295 North High Street Anamosa, Iowa 52205	Project Title: Composting Program
Request:	\$76,772 -- Grant	
Applicant:	Local Government	
Description:	Applicant is proposing to initiate a composting program serving the correctional facility's inmates and staff. Expanding the program to accept organics from outside of the facility is projected. The project will serve as a model for other correctional facilities. Financial	

assistance is requested for building construction and equipment.

Application 25:	Keokuk Ferro-Sil, Inc. -- Brian Tapp -- 319-753-5107 Twin Rivers Drive P.O. Box 527 Keokuk, Iowa 52632	Project Title: Ferrosilicon Recovery
Request:	\$238,500 -- Grant	
Applicant:	Private For Profit	
Description:	Applicant is proposing to implement a process that will recover two raw materials (silicon and iron) from process sludge that is currently landfilled. Recovered raw materials will be returned to the manufacturing process. Financial assistance is requested for equipment.	
Application 26:	Tellus Institute -- Dave MacAnulty -- 617-266-5400 11 Arlington Street Boston, MA 02116-3411	Project Title: Solid Waste Planning - Software Demonstration
Request:	\$82,364 -- Grant	
Applicant:	Private Not For Profit	
Description:	The proposed project is to provide regional and local solid waste planners with an integrated waste management software program designed to analyze all aspects of solid waste management costs and operations as a means of tracking and diverting solid waste from Iowa landfills. The proposed project targets four Solid Waste Comprehensive Planning Areas (Dubuque Metro Area Solid Waste Agency, the Harrison County Landfill Commission, Iowa Northland Regional Council of Governments and the Rural Iowa Waste Association) for initial demonstration. Financial assistance is requested for salaries, travel, and supplies.	
Application 27:	NatuReturn Corporation -- Don Grell -- 515-576-1767 1525 Avenue O Fort Dodge, Iowa 50501	Project Title: Waste Tire Processing
Request:	\$592,686 -- Loan	
Applicant:	Private For Profit	
Description:	Applicant is proposing to initiate a grinding service for waste tires, waste gypsum wallboard and tree and lawn waste. Ground materials will be marketed for a variety of uses. Financial assistance is requested for equipment, trucks and trailers.	
Application 28:	Spectrum Industries -- Chris Frantsvog -- 319-382-8401 105 Railroad Avenue Decorah, Iowa 52101	Project Title: Recyclables Collection Vehicle
Request:	\$22,720 -- Loan	
Applicant:	Private Not For Profit	
Description:	Applicant is proposing to replace the existing vehicle used for collecting recyclables. The proposed vehicle will be modified to allow collecting palletized and baled materials and collect and deliver recycling containers to commercial accounts. Financial assistance is requested for equipment and collection vehicle.	
Application 29:	River Cities Management L.L.C. -- Brad Lee -- 402-493-2800 11506 Nicholas Omaha, Nebraska 68154	Project Title: Wood Waste Combustion
Request:	\$325,000 - Loan	
Applicant:	Private For Profit	
Description:	The proposed project involves installing equipment capable of burning wood waste to create steam for heating purposes during the heating season. During the non-heating seasons, the steam will be used to create electricity and sold. The applicant has purchased a large building in	

Davenport, Scott County, (the old Caterpillar Plant), occupies a portion of the facility and leases a portion to other businesses. Approximately 20,000 tons of wood waste would be needed annually. Financial assistance is requested for waste to energy equipment.

Application 30: Skumatz Economic Research Associates -- Lisa Skumatz -- 206-624-8508
1511 Third Avenue, Suite 1018
Seattle Washington 98101 Project Title: Solid Waste Planning Manual

Request: \$39,000 - Grant
Applicant: Private For Profit
Description: The proposed project involves developing a "how to" manual and training workshops to assist all Iowa solid waste agencies implement the necessary tracking and analytical efforts to evaluate existing programs. Financial assistance is requested for wages and materials preparation.

Application 31: Skumatz Economic Research Associates -- Lisa Skumatz -- 206-624-8508
1511 Third Avenue
Suite 1018 Project Title: Recycling Capture Rate and Cost
Seattle Washington 98101 Effectiveness Study

Request: \$32,000 - Grant
Applicant: Private For Profit
Description: The proposed study project is to provide implementable information on recycling, yard waste and other landfill diversion incentive programs, including associated costs, to help communities determine what program designs or refinements could result in program improvements. Financial assistance is requested for wages resulting from data collection, analysis and reporting.

Application 32: Skumatz Economic Research Associates -- Lisa Skumatz -- 206-624-8508
1511 Third Avenue
Suite 1018
Seattle Washington 98101 Project Title: Variable Rate Pricing Model

Request: \$22,000 -- Grant
Applicant: Private For Profit
Description: Applicant is proposing to develop a simplified model accessible to Iowa communities. The model will be used to analyze the impact of program variations in set-out rates, extra can/bag rates, container/bag sizes, etc. Financial assistance is requested for wages and a workshop.

Application 33: The Quaker Oats Company -- Chuck Edel -- 319-362-3121 Ext. 1387
418 2nd Street NE
P.O. Box 1848
Cedar Rapids, Iowa 52401 Project Title: Waste Reduction and Recycling Education

Request: \$40,000 -- Grant
Applicant: Private For Profit
Description: Applicant is proposing to develop and implement an education program targeting the applicant's waste stream and the waste streams generated by its employees. Financial assistance is requested for wages and benefits.

Application 34: Home Recycling Exchange -- Lyle Ball -- 515-282-9296
805 S.E. 14th Court
Des Moines, Iowa 50317 Project Title: Reuse Center Expansion

Request: \$42,568 -- Grant
Applicant: Private Not For Profit
Description: The applicant operates a reuse center for building materials and is proposing to hire a promotions and marketing coordinator and construct an expanded building for receiving donated materials. Financial assistance is requested for equipment, building construction and wages.

Application 35:	Atlas Structures -- Ron Sweeney -- 319-568-4630 1639 Green Valley Road N.W. Waukon, Iowa 52172	Project Title: Manufacture of Building Blocks
Request:	\$130,836 -- Loan	
Applicant:	Private For Profit	
Description:	Applicant is proposing to design and produce building blocks from baled tires encased in concrete. Building blocks would be used in construction of buildings, levees, retaining walls, etc. Financial assistance is requested for equipment, pick-up and trailer.	

Ms. Hay reviewed details of the LAFA applications.

Kathryn Draeger asked about the date at the top of the Applications Received list reading December 1995.

Ms. Hay explained that it should be corrected to read June 1996

Discussion followed regarding which projects qualify for grants and which are for loans; no increase in the number of applications; the Moulded Fibre Technology grant; pallets used for hardwood flooring; and working with DED to help spur market development.

INFORMATIONAL ONLY

WASHBURN SEWAGE TREATMENT PLANT DISCHARGE PERMIT - UPDATE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided an update on the status of the NPDES wastewater discharge permit issue for Washburn. This issue has been raised to the Commission in the past as a result of complaints by Mr. & Mrs. Thiery who own property through which the stream that would carry the wastewater discharge would pass. The Thiery's legal representative has recently written the Commission objecting to terms incorporated within the discharge permit, specifically the threshold of acceptable cost differentials between the current proposed method and location of discharge and alternatives to be considered.

Mr. Stokes reviewed the Washburn sewage treatment system issue. He stated that discharge from the sewage treatment facility would go to an unnamed tributary which runs through property owned by Ken and Regina Thiry, and then on to Miller's Creek and into the Cedar River. He related that a wide area in the unnamed tributary is referred to by local individuals as Thiry Lake, and the state classifies that stream as a General Use classification. He noted that the issue now is that Washburn has a construction and operation permit, and in an attempt to negotiate a successful resolution of the issue staff discussed possibilities of investigating alternatives. He related that the Commission discussed a proposal of amending the permit to Washburn which would require Washburn to investigate alternative forms of treatment or alternative points of discharge to mitigate the discharge to that particular general classified

stream. He stated that staff and the county tentatively agreed to an amendment in the permit for the county to look at alternatives, and they would implement any alternative that would not raise the user rate by more than 10% or from a projected \$30 under the current proposal to \$33. Mr. Stokes noted that was not acceptable to the locals in the area. He stated that the 10% figure was derived in concept from the old construction grants program whereby, because of the significant amount of federal and state funding that went into building those facilities, it required them to look at alternatives and to take the most cost effective one. He related that the principle that applied then was that any cost differential on a project within 10% was considered to be a like-type project, and that is where the 10% figure came from. Mr. Stokes stated that since there has not been agreement to date on that, the existing permits have not yet been amended for the Washburn system. He noted that the Commission was sent a letter from the Thiry's legal counsel that took objection to the 10% figure and requested approximately a 50% cost differential. He indicated that even though the permit has not been amended to oblige the county to look at alternatives, their engineering staff is looking at alternatives. The department has received some data from the county, prepared by individuals at ISU who looked at wetland alternatives, and their recommendation indicates they would not recommend a wetland approach because it would be a short term solution. Mr. Stokes stated that last week the department received a proposal from the county to look at a 10% cost differential on the capital costs of the treatment plant. He added that the county engineer submitted a proposal for a permit amendment to say they would consider, evaluate, and implement an alternative if it was within a 10% cost differential of capital costs of treatment, or \$150,000.

Aaron Hawbaker

Aaron Hawbaker, counsel for Ken and Regina Thiry, stated that there has always been an underriding current on this issue that there is \$1.4 million sitting there to be had. He related that two months ago a county supervisor told the Commission the county had 48 hours to begin construction or they would lose the money. He noted that it is not a situation where action or inaction on the part of the Commission will lead to a loss of that money. He noted that he was pleased that, as part of the permit process the county had, the department required special conditions be put on in order to comply with the antidegradation laws. He stated that he did not receive a copy of the offer on the 10% figure and that he and the Thiry's have not been in on the negotiations. Mr. Hawbaker related that the discussions have been between the department and the county, and he thought when he was before the Commission two months ago he was supposed to be in on the negotiations. He stated that the first option generated by the county and Darrell McAllister was to have a viable alternative, meaning 10% of the monthly cost per household, which would go from \$30 to \$33 per month. He indicated that a \$3.00 increase means capital costs of nothing and is essentially lip service to the Thiry's, because there is nothing that is that cheap. He related that he suggested 50% and then started looking at capital costs which might lead to an alternative. Mr. Hawbaker stated that he spoke with Mr. McAllister once and was told that the department was planning on revising the special condition permit to be 10% of the project cost. He related that the language he put in a proposed special condition permit is for 15% of the total project cost. He noted that 10% was from a time when things were less expensive and 15% would adjust for the current times. He asked the

Commission to make a decision today and attach the special condition permit or set it for a final resolution to be had.

Mr. Stokes stated that there have been meetings with staff in attempting to mediate an agreement. He clarified that the county does not agree to the percentage being applied to the total capital costs, adding that the proposal received from the county was for 10% based on the capital costs of the sewage treatment plant itself. He stated that the Commission asked the department to try to get things worked out. He noted that he does not believe this would be a Commission decision at this point, that if the department issues a final permit or lets the current permit stand, only the permit applicant has the right to appeal. Mr. Stokes stated that staff is not asking for a decision from the Commission at this time. He related that staff need to send some final word to the permittee in terms of what the status is, and based on the Commission's guidance, if staff amend the permit to some fashion they find unacceptable they could exercise their appeal rights. He noted that if a final decision is adverse to the Thiry's position they are free to exercise any legal recourse which they feel is appropriate.

Brief discussion took place on the 10% figure being a guidance aspect rather than an obligation.

Kathryn Murphy asked for a review of the May meeting minutes pertaining to the Commission's action.

William Ehm stated that the motion was to approve the Declaratory Ruling presented by staff with amendment of the NPDES permit to include that the county look at alternatives for discharges, including a wetland discharge.

Mr. Stokes indicated that the county is working with ISU officials to evaluate the feasibility of a wetland alternative but the department has not received a report on it at this point.

Kathryn Murphy asked if the permit has to be put on hold at this time.

Mr. Stokes answered no, adding that the county is waiting to get some clarification from the department on what is a viable alternative.

Terrance Townsend asked if the county is actively looking at alternatives.

Mr. Stokes stated that the county is looking at alternatives and expects the department to amend the permit to require them to look at viable alternatives. He related that the major issue is what is going to be the definition of a viable alternative. He added that absent any direction from the Commission staff will proceed to amend the permit, and if either or both parties feel aggrieved they would be able to use whatever legal remedies are available to them.

Regina Thiry

Regina Thiry stated that the county does not have the approval from the EPA or the EDA to move forward. She related that the county has not done an environmental assessment addressing the downstream landowners or the secondary or cumulative effects. She noted that she has a tremendous amount of community support behind her and she is asking for the Commission's help, adding that it is not easy to fight the county. She asked what alternatives the county can do at a rate of \$3.00 per household and related that they have to try to come up with something realistic.

Pete Burk

Pete Burk, Assistant Black Hawk County Attorney, stated that Bill Claussen, a professional engineer hired by the county is present today and will have some comments for the Commission. Mr. Burk stated that the county has hired officials to study the wetland issue and a report on that will be provided to the Commission by July 31. He asked the Commission to keep in mind that Washburn is a community of 400-500 families of low to moderate income and \$1.00 per month makes a lot of difference to these people. He related that keeping the cost low is imperative. Mr. Burk stressed that time is crucial as they have a one-time shot at the grant and if they are not able to take care of the project with the grant funds it will be a very serious health problem for Black Hawk County. He stated that an EDA representative will meet with the county this coming Thursday and with the Thiry's on Friday.

Bill Claussen

Bill Claussen, stated that he has talked with two professors from ISU who have worked on previous wetland construction projects in Iowa. He related that he and the professors walked the area and they identified one potential wetland site that appeared to have the most merit. Mr. Claussen indicated that the Black County Conservation Board has spoken with the landowners and they are amenable to doing this wetland project. He noted that the county engineer and the professors also looked at the following three alternatives: 1) lagoon discharge only, without any wetlands; 2) the lagoon discharge being routed via the existing wetland; and 3) the wetland to receive the treated waste water from the lagoon system. He displayed an aerial photograph of the area. Mr. Claussen stated that he took some sediment samples from the lake bottom but will not receive the results until next Wednesday. He related that samples have been taken from an upstream location. He indicated that the average depth of the lake is about three feet and it is about a 22 acre area. He noted that the lake is filling in with sediment but there were fish in the lake. Mr. Clausen stated that the single most serious problem with Thiry Lake is with sedimentation and that nutrients are already there in adequate amounts to provide for algae growth. He related that the lagoon will have some benefit in the form of sediment because of the land it is taking out of production. He indicated that applying more phosphorus or less phosphorus is not going to effect the algae growth.

Discussion followed regarding project costs estimates and the percentage of flexibility in the estimates.

Sonia Johannsen

Sonia Johannsen, Black Hawk County Board of Supervisors, stated that this is a low to moderate income housing area with a grant that the county would like to receive. She noted that the bids were let for construction last October and the contractor has been good enough to carry an extension every month, but his costs are probably increasing and they do not know how much longer he will hold those bids in place. She related that they would like to proceed with the project and are doing everything possible to come up information on viable alternatives by the end of July.

Mr. Hawbaker commented that he thought there was agreement two months ago that the way the system is designed now is not consistent with the laws and the requirement that it not further degrade the water. He stated that the onus is on the county to prove that it is acceptable in its current form, and the Thiry's should not have to keep defending to prevent the project from happening. He related that if the county cannot meet the special conditions permit that the department and Commission places on them, it is their loss and it is their obligation to prove that they can do it.

Mr. Stokes stated that the department needs to amend the permit to comply with the Commission's earlier motion to require that there be the alternatives, which the county is already producing. He added that the main issue is how will the permit will be amended and related that would be a staff function to amend the permit. He noted that there is a difference of opinion and failure to agree on a variety of topics but the ultimate legal authority rests with the department to make those types of decisions. He related that the department will proceed to amend the permit absent any statement of opinion from the Commission. He reminded the Commission that, based upon the fact of application of state law and state rules, the initial proposal was acceptable and met the state law and standards for proper treatment and discharge of wastewasters to a water of the state. He noted that the department will proceed to amend the permit to require that the investigation of alternatives currently underway and to define what is a viable alternative. He stated that staff will have an amended permit issued prior to the next Commission meeting.

William Ehm commented that there was nothing in the motion requiring that the alternative be viable, adding that it may be a good thing to determine what is viable but it is not necessary.

Discussion followed regarding alternatives with no cap; balancing the costs to protect the environment and remain cost efficient to the citizens; and viability based on cost of the project.

Terrence Townsend recommended using a cost differential figure of 15% of the total capital costs as a viability number.

Chairperson King asked that staff inform the Commission on how the permit is amended.

Mr. Stokes stated that staff will amend the permit before the next Commission meeting and will inform the Commission of the final decision of how the permit was amended at the next meeting.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
July 1, 1996**

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISH	RULES REVIEW COMM.	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 22 - Potential to Emit for Grain Elevators and Emergency Generators	4/15/96	5/08/96	5/14/96	6/10/96	*8/19/96	*8/19/96	*9/11/96	*10/08/96	*10/16/96
2. Ch. 22 - Deferral of Title V Fee Payment	2/19/96	3/13/96	4/16/96	4/15/96	5/20/96	5/20/96	6/19/96	7/09/96	*7/24/96
3. Ch. 22 - Operating Permit by Rule for Small Sources	7/15/96	*8/14/96	*9/10/96	*9/ /96	*10/21/96	*10/21/96	*11/20/96	*12/10/96	*12/25/96
4. Ch. 23 - Waiver of Open Burning Separation Distance Requirement	5/20/96	6/19/96	7/09/96	7/09/96	*8/19/96	*8/19/96	*9/11/96	*10/08/96	*10/16/96
5. Ch. 53 - Protected Water Sources	6/17/96	*7/17/96	*8/13/96	*8/07/96	*9/16/96	*9/16/96	*10/09/96	*11/12/96	*11/13/96
6. Ch. 61 - WQ Standards -Stream Use Designations	2/19/96	3/13/96	4/16/96	4/02/96 4/03/96	5/20/96	5/20/96	6/19/96	7/09/96	*7/24/96
7. Ch. 65 - Animal Feeding Operations	1/16/96	2/14/96	3/11/96	3/05/96 3/06/96	7/15/96	*7/15/96	*8/14/96	*9/10/96	*9/18/96
8. Ch. 65, 68, 121 -				*8/06-					

Navigable Waters & Manure Application	6/17/96	*7/17/96	*8/13/96	09/96 *8/12/96	*9/16/96	*9/16/96	*10/09/96	*11/12/96	*11/13/96
9. Ch. 103 - Sanitary Landfill Liners	5/20/96	6/19/96	7/09/96	7/09/96	*8/19/96	*8/19/96	*9/11/96	*10/08/96	*10/16/96
10. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.	10/16/95	11/08/95	12/13/95	12/01/95 12/04/95 12/06/95 12/08/95 12/11/95 12/13/95	TERMIN- ATION 6/17/96	6/17/96	*7/17/96	*8/13/96	*8/21/96
11. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.	EMER- GENCY	-----	-----	-----	6/17/96	*6/17/96	*7/17/96	*8/13/96	*7/28/96
12. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.	6/17/96	*7/17/96	*8/13/96	*8/6,7,8/ 96 *8/12,14, 15/96	*9/16/96	*9/16/96	*10/09/96	*11/12/96	*11/13/96
13. Ch. 214 - Household Hazardous Materials Program	2/19/96	3/13/96	4/10/96	4/05/96	6/17/96	6/17/96	*7/17/96	*8/13/96	*8/21/96

VARIANCE REPORT

Item	Facility	Program	Engineer	Subject	Decision	Date
1	Bloomfield Foundry	Air Quality		Equipment Malfunction	Approved	06/18/96
2	Cherokee, City of	Air Quality		Disaster Waste	Approved	06/26/96
3	Industrial Energy Applications @ Eaton Corp.-Belmond	Air Quality	Thompson Environmental Consulting, Inc.	Equipment Test	Approved	06/24/96
4	Industrial Energy Applications @Donaldson Co.-Cresco	Air Quality	Thompson Environmental Consulting, Inc.	Equipment Test	Approved	06/24/96
5	Iowa Army Ammunition Plant-Des Moines County	Air Quality		Explosives	Approved	06/24/96
6	Clear Lake Sanitary District	Wastewater Construction	Rust Environment & Infrastructure	Sludge Holding	Approved	06/03/96
7	Council Bluffs, City of	Wastewater Construction	HGM Associates	Sewer Grade	Approved	06/18/96
8	Excel Corporation-Ottumwa	Wastewater Construction	Fox Engineering	Site Separation	Approved	06/17/96
9	Cedar Rapids & Iowa City Railway-Linn County	Flood Plain	Kelly Engineering, Inc.	Freeboard	Approved	06/12/96
10	Hickory Acres Subdivision-Dubuque County	Wastewater Operation		Monitoring Frequency	Approved	06/25/96
11	Williamsburg Manufacturing	Wastewater Operation		Monitoring Frequency	Approved	06/25/96

12	Henry County Secondary Road Department	Sanitary Disposal	Clarence C. Perry, County Engineer	Permit Exemptions	Approved	06/12/96
13	Interstate Power Co.- Lime Creek Thermal Treatment Site-Cerro Gordo County	Sanitary Disposal	Montgomery Watson	Storage	Approved	06/10/96
14	Interstate Power Co.- Lime Creek Thermal Treatment Site-Cerro Gordo County	Sanitary Disposal	Montgomery Watson	Runoff Control	Approved	06/20/96
15	Ames, City of-Public Works Department	Watersupply Construction	Fox Engineering	Construction Materials	Denied	06/24/96
16	Camp Dodge Water Supply-Johnston	Watersupply Construction	Veenstra & Kimm, Inc.	Design Basis	Approved	06/03/96
17	Crystal Lake, City of	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	06/19/96
18	Crystal Lake, City of	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	06/24/96
19	Eldora, City of	Watersupply Construction	Shoff Engineering	Installation Procedures	Approved	06/10/96
20	Starmont Community School-Clayton County	Watersupply Construction		I/A Treatment Technique	Denied	06/03/96
21	Sunrise Farms-Osceola County	Watersupply Construction	DeWild Grant Reckert Associates	Construction Materials	Approved	06/10/96

During the period June 1, 1996, through June 30, 1996, 67 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	64(51)	37(38)	9(3)	18(10)	21(32)	0(0)	35(16)	3(0)	1(0)	4(2)
Nov.	52(54)	34(24)	7(7)	11(23)	25(29)	4(0)	21(22)	1(3)	0(0)	1(0)
Dec.	56(52)	30(27)	11(2)	15(23)	28(38)	2(1)	21(12)	2(0)	1(0)	2(1)
Jan.	42(48)	18(29)	10(7)	14(12)	24(31)	0(0)	13(14)	1(1)	0(1)	4(1)
Feb.	55(48)	36(29)	11(12)	37(31)	1(0)	1(0)	12(14)	2(1)	1(1)	2(1)
Mar.	59(41)	44(27)	6(5)	9(9)	29(24)	0(0)	28(17)	0(0)	0(0)	2(0)
Apr.	93(75)	41(30)	37(25)	15(20)	37(39)	1(1)	36(30)	3(1)	2(1)	14(3)
May	100(90)	46(45)	34(40)	20(5)	31(34)	2(0)	58(49)	1(2)	0(1)	8(4)
Jun.	67(98)	38(48)	19(29)	10(21)	26(32)	3(2)	30(56)	1(2)	0(0)	7(6)
Jul.										

Aug.										
Sept.										

(numbers in parentheses for the same period in fiscal year '95)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
10	13	3	9	23	9

ENFORCEMENT REPORT UPDATE

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Silvercrest Golf & Country Club, Decorah (1)	Drinking Water	MCL - Bacteria	Order	6/03/96
Bernie Brauns d/b/a Brauns Waste Management and Excavating, Muscatine Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	6/03/96
Becker Gravel Company, Inc., Stratford (2)	Wastewater Flood Plain	Discharge Limits; Construction Without Permit	Order/Penalty \$3,000	6/03/96
Richard L. Magdefrau, Washington Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$2,000	6/10/96
Rayburn Court for Mobile Homes, Mason City (2)	Drinking Water	Monitoring/Reporting - Organics, Other Inorganics	Order/Penalty \$500	6/10/96

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93

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Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R&R Convenience Store (Central City)	UT	2,480	2-28-93
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Holland, City of	WS	550	8-28-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Sheldahl, City of	WS	200	8-30-95
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Orville Long (Polk Co.)	SW	3,000	9-12-95
Ken Frese (Keokuk Co.)	SW/AQ	1,000	10-03-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Welch Oil, Inc. (Williams)	UT	10,000	11-01-95
Searsboro, City of	WW	2,500	11-08-95
*R. V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Steven Mullane d/b/a S & S Landscaping (Madison Co.)	AQ/SW	2,000	2-14-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	3-11-96
Sportsmen's Club (Waukon)	WS	100	4-01-96

C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
Lamoni, City of	WW	1,000	4-15-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
Ainsworth, City of	WS	150	5-03-96
Barrington Lakes Water Commission (Dubuque)	WS	100	5-03-96
Hofer's Danceland Ballroom (Walford)	WS	100	5-04-96
Fernald Water System (Nevada)	WS	100	5-04-96
Cedar River Trailer Park (Letts)	WS	100	5-04-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
# T M & M Inc. Environmental Services (Hamilton Co.)	WW	3,000	5-12-96
*Orrie's Supper Club, Inc. (Hudson)	WS	1,125	6-15-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Curry Environmental Services, Inc. (Marion)	AQ	2,000	7-01-96
*Woden-Crystal Lake Comm. School District (Crystal lake)	AQ	1,500	7-01-96
*First United Methodist Church (Ft. Madison)	AQ	3,500	8-01-96
Becker Gravel Company, Inc. (Stratford)	WW/FP	3,000	8-07-96
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000	8-09-96
Rayburn Court for Mobile Homes (Mason City)	WS	500	8-25-96
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Dan Dooley; Ron Rupe (Polk Co.)	SW	2,000	-----
TOTAL		140,025	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	SW/AQ	2,000	8-29-95
Plantation Village Mobile Home Park (Burlington)	WW	1,000	7-07-94
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
TOTAL		23,154	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500

Environmental Protection Commission Minutes

July 1996

Charles Kerr (Sloan)	UT	600
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
J.P. Scherrman, Inc. (Farley)	UT	1,160
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; Gene Phillips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Galva Union Elevator Co. (Galva)	UT	3,100
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Tom Wiseman (Sheffield)	UT	3,500
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
George Dolan (Northwood)	UT	3,300
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100

Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Richard Beckett (Villisca)	UT	1,300
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
# Larry Royer (Guthrie Co.)	WW	1,000
Bacon Addition (Monticello)	WS	375
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	2,000
Leonard Borman (Preston)	UT	2,000
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Cumberland Ridge First Addition (North Liberty)	WS	550
Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	3,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Mark Twain Meadows Assoc. (Muscatine)	WS	900
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	SW/AQ	2,000
Shell Rock Products, Inc. (Butler Co.)	SW/AQ	10,000
Colwell, City of	WS	200
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
# Gary Watson (Cerro Gordo Co.)	WW	2,500
Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	10,000
Roy Burger (Gillette Grove)	UT	5,400
Marvin Wernimont; Filter Friend Recycling (Buena Vista)	AQ/SW	2,000
Spencer Municipal Hospital (Spencer)	AQ	3,000
Massena, City of	WW	1,200
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
All-States Quality Foods (Charles City)	WW	5,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Jolly Roger Campground & Marina (North Liberty)	WW	1,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100

Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
# Marlin Brenneman (Iowa Co.)	WW	3,000
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
# C & I Eggs (Webster Co.)	WW	3,000
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
CGB Printing Company (Newton)	AQ	2,000
Mildred Eileen Bentley (Johnson Co.)	AQ/SW	1,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Mederer Corporation (Creston)	WW	10,000
Winsor Oil Co., Inc.; Joyce Winsor (Vinton)	UT	1,500
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
TOTAL		440,911

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
*First United Methodist Church (Ft. Madison)	AQ	500
*Orrie's Supper Club, Inc. (Hudson)	WS	375
*Curry Environmental Services, Inc. (Marion)	AQ	1,000
Riverside Plating Company (Shell Rock)	WW	750
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	2,000
Central Community School District (DeWitt)	AQ	2,500
Perry, City of	WW	10,000
Twin County Dairy, Inc. (Kalona)	WW	5,000
Allison-Bristow Community School District (Allison)	AQ	2,500
TOTAL		24,625

The \$100 penalty assessed to 3 Amigos (West Burlington) has been rescinded.

The \$100 penalty assessed to Oakland Mills Store (Mt. Pleasant) has been rescinded.

The Admin. Order assessing a \$2,500 penalty to Eastern Iowa Tire Recycling, Inc. (Muscatine) has been withdrawn.

ATTORNEY GENERAL REFERRALS

July 1, 1996

<u>Name, Location and Region</u>	<u>Program</u>	<u>Alleged Violation</u>	<u>DNR Action</u>	<u>New or Updated Status</u>	<u>Date</u>
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94

American Asbestos Training Center, Ltd. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/21/96	
American Asbestos Training Center, Ltd. Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Continued	3/21/94 8/29/94	
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96	
DeCoster, A.J. Wright Co. (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief Hearing on Motion for Separate Trials	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96 6/03/96	
Dunkel, Paul L. Delaware Updated	Co. (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Consent Decree (\$10,000/Civil; \$1,500/Admin. & Injunction)	6/19/95 2/16/96 6/17/96
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96	

						Dismissal	
Economy Solar Corp. Waterloo (1)		Air Quality	Asbestos		Referred to Attorney General	Referred Petition Filed Trial Continued	3/21/94 8/29/94
Economy Solar Corp. Cedar Rapids (1)		Air Quality	Asbestos		Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/21/96
Economy Solar Corp./Central Community School DeWitt (6)		Air Quality	Asbestos		Referred to Attorney General	Referred	7/17/95
Ervin, Don Webster Co. (2)	Updated	Solid Waste	Operation Permit	Without	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations		Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Court of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Consent Decree (\$1,000,000/Civ il) Defense Requests for Reconsideration of Penalty Hearing on Defense Request	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/93 5/30/95 5/21/96 6/24/96 6/25/96

Order - Penalty
Affirmed

ESCORP/Cryotech Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed	12/18/95 4/18/96
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed	11/21/94 4/18/96
Jarvis, Marjorie; Terry Strong Council Bluffs (4)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Klocke, Paul and Mary Kay Carroll (4)	Flood Plain	Unauthorized Construction	Order	Referred	10/16/95
Lee, Harold and Evelyn Keokuk Co. (6)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/16/95 5/16/96
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Underground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Plantation Village Mobile Home Park Burlington (6)	Wastewater	Monitoring/Reporting	Order/Penalty	Referred	10/16/95
Postville Pork Postville (1)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/20/96
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed	10/17/94 5/12/95

Underwood, Paul d/b/a Underwood

Excavating and Demolition
Cedar Rapids (1)

Air Quality

Asbestos

Order/Penalty

Referred

5/15/95

Wunschel Oil Co.; Vernus, Jaquelyn
and
Mark Wunschel
Ida Grove (3)Underground
Tank

Site Assessment

Order/Penalty

Referred

1/17/95

CONTESTED CASES

<u>DATE RECEIVED</u>	<u>NAME OF CASE</u>	<u>ACTION APPEALED</u>	<u>PROGRAM</u>	<u>ASSIGNED TO</u>	<u>STATUS</u>
1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review by EPA
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
10-24-89	Farmers Cooperative Elevator Assoc. of Sheldon	Site Registry	HC	Kennedy	Consent order signed.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Kennedy	EPD considering public hearings.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-2/96.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site.
9-12-90	Michael & Joyce Haws; George H. Gronau	Admin. Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR. SCR completed - payment dispute with consultant. Settlement meeting scheduled - 7/96.
10-15-90	Westside General Store Corp.	Admin. Order	UT	Wornson	Evaluating inability to pay - UST fund eligibility.
12-03-90	United States Gypsum Co.; Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary	Admin.	SW	Kennedy	Hearing continued. Clean-up

	Eggers	Order/Penalty			continuing 3/96.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin. Order/Penalty	HC	Wornson	Settlement letter sent 8/31/94. SCR completed. Low risk monitoring site.
4-24-92	Charles A. Kerr	Admin. Order/Penalty	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw County Sanitary Landfill	Admin. Order/Penalty	SW	Kennedy	County to include closing in FY 1997 budget. Letter regarding budget sent 12/19/95.
8-06-92	Randy Bonin and Vickie Brannick	Admin. Order/Penalty	SW	Kennedy	Clean-up progress is slow. Appellant's attorney to reply by 3/1/96.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Admin. Order/Penalty	UT	Wornson	Financial inability claimed. Insufficient documentation.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter 3/96.
10-06-92	Lloyd Decker	Admin. Order/Penalty	SW	Kennedy	Clean-up complete. Penalty rescinded. Closed.
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Admin. Order/Penalty	SW	Kennedy	F.O. 5 to meet with company 2/26/96 regarding land application.
4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.

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4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96. Schedule received; under review by WW Permits.
4-19-93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4-21-93	Donald Udell	Admin. Order/Penalty	SW	Kennedy	Clean-up completed. Penalty settlement due.
4-26-93	Crane Co.	Admin. Order/Penalty	SW	Kennedy	DNR engineers meeting with company.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued.
7-06-93 7-28-93	Dennis E. Good Berniece K. Nease	Admin. Order	UT	Wornson	1/25/96-Letter to parties regarding new UST Fund Innocent Owner Fund and requesting settlement conference.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty.
7-20-93	U.S. Dept. of Defense	Admin. Order/Penalty	UT	Wornson	SCRs on the site and several others underway. Settlement with City of Sioux City.
8-03-93	Waldo Vannoy	Admin. Order	UT	Wornson	Compliance initiated.
11-15-93	J.P. Scherrman, Inc.	Admin. Order/Penalty	UT	Wornson	SCR accepted. Penalty letter sent 6/14/95. No response received.
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Awaiting summary of issues from attorney.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-06-94 1-20-94	L.F. Everett and Betty Everett Gene Phillips d/b/a Phillips Sanitation	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
1-07-94	Eli Shada	Admin. Order/Penalty	UT	Wornson	SCR received 1/18/96; under review. Penalty settlement pending.
1-18-94	M & D Tire Processing, Inc.	Admin. Order/Penalty	SW	Kennedy	Clean-up progressing. Penalty settlement pending.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-14-94	Economy Solar Corp. (94-AQ-04)	Admin. Order/Penalty	AQ	Preziosi	Judicial review decision received in favor of DNR. No further appeal filed.
2-15-94	Riverside Plating	Admin. Order/Penalty	WW	Hansen	Settlement offer received from company regarding penalty 2/96. Dept. letter to company regarding settlement. Response requested by 4/30/96. Company response sent 4/29/96. Additional information received 5/24/96. \$750 penalty received 6/5/96. Appeal resolved.
2-21-94	Toys "R" Us	Admin. Order/Penalty	UT	Wornson	SCR received. Negotiating penalty.

2-28-94	Coastal Mart - Davenport	Admin. Order/Penalty	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent. Response requested by 6/28/96.
3-08-94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Admin. Order/Penalty	UT	Wornson	All SCRs received. Settlement meeting 2/5/95. DNR response due.
4-19-94	Galva Union Elevator Co.	Admin. Order/Penalty	UT	Wornson	Negotiating penalty.
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Wornson	Untimely appeal. No closure as of 2/96.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Wornson	Insurance to qualify for remedial benefits unpaid. Issued second Admin. Order for failure to register.
6-08-94	Larry & Kelly Miller	Admin. Order/Penalty	UT	Wornson	SCR accepted 1/26/96. Negotia penalty.
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96.
6-20-94	R.D.J. Farms and Donald Vogt	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
6-24-94	Griffith Oil Corp.	Admin. Order	UT	Wornson	SCR accepted - negotiating penalty.
6-24-94	Larence Otto	Admin. Order/Penalty	UT	Wornson	SCR approved 2/1/96. Follow-up letter - 4/96.
7-07-94	Rose Bar Tire Shredding	Admin. Order	SW	Kennedy	In bankruptcy. 1/96 Working on fire lanes.
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Wornson	Appeal untimely. Follow-up letter - 2/96.
7-15-94	Village Oaks Homeowners	Admin. Order/Penalty	WS	Hansen	WS reviewed file for compliance. 2/96 - in compliance and eligible for reduced monitoring.
7-25-94	ACC Chemical Co.; Getty Chemical Co.	Permit Conditions	WW	Hansen	Appeal settled. Revised permit accepted by appellants. Sent to EPA for review 12/95. EPA response approving permit received. Permit issued 2/96.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin. Order/Penalty	UT	Wornson	Inability to pay. Failed to return required documentation. Follow-up letter - 2/96.
8-18-94	Thomas Scheetz d/b/a The Depot Food & Fuel	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
8-29-94	Atlantic, City of	Admin. Order	WW	Hansen	Under review by EPD. Contacted EPD and FO regarding appeal resolution.
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin.	AQ	Preziosi	3/1/96 - Amended order to be issued.

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		Order/Penalty			
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding reorganization 1/23/96.
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96.
9-23-94	Chicago and Northwestern Transportation	Admin. Order/Penalty	SW/WW	Murphy	Negotiating before filing.
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Kennedy	Settlement offer made 1/23/96. FO rejected offer.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report.
10-19-94	Ronald Sizemore; Mark Murphy	Admin. Order/Penalty	UT	Wornson	Inability to pay documented. Review for UST Fund Innocent Owner or LUST Trust Fund.
10-25-94	Mike Murphy d/b/a Hawley Heating & Air	Admin. Order/Penalty	AQ	Preziosi	Consent order being finalized.
10-26-94	Boomsma's Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10-27-94	George Dolan	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
10-31-94	Woodbury Co. Highway Dept.	Admin. Order/Penalty	UT	Wornson	SCR received - negotiating penalty.
10-31-94	Owens & Owens Realty, Inc.; Keith Owens; Howard Maurer	Admin. Order/Penalty	UT	Wornson	Proposed decision 10/5/95. Appealed 11/3/95. EPC confirmed 2/19/96. Decision appealed 3/29/96. District Court for judicial review.
11-02-94	Richard Waugh	Admin. Order/Penalty	UT	Wornson	Site check received - negotiating penalty.
11-10-94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Consultant working on permit application for AQ Bureau.
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Wornson	Inability to pay - request documentation.
11-28-94	Richard Beckett	Admin. Order/Penalty	UT	Wornson	Referral to UST Fund. Follow-up - 3/96.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - construction approved by WS section for chlorination equipment. 1/17/96 - Letter to City regarding resolution of appeal. No response as of 2/28/96. Dept. follow-up letter - 3/96. Response from City 4/8/96.
1-11-95	Henry and Randy Krohn d/b/a Krohn Construction	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer made. FO rejected offer.
1-13-95	James and Roxann Neneman	Admin.	UT	Wornson	Inability to pay. Forms sent. No

		Order/Penalty			response. Follow-up - 3/96.
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96.
2-27-95	Sale-R-Villa Construction	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting held 5/23/96. Facility to submit written proposal.
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation 1/23/96 regarding reorganization.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
4-19-95	Otis Schultz d/b/a Schultz Oil Co.	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
4-26-95	Larry Royer	Admin. Order/Penalty	WW	Clark	Second settlement letter 6/14/96. FO 4 to confirm compliance-penalty negotiations to follow.
5-03-95	Bacon Addition Homeowners Assn.	Admin. Order/Penalty	WS	Clark	Settlement contact letter 6/17/96. Substantial compliance due 7/31/96-penalty negotiations to follow.
5-04-95	Margaret & Weldon Shoppa d/b/a M & W Mobile Home Park	Admin. Order	WW	Kennedy	Letter requesting construction schedule - 12/95. Response unsatisfactory. Hearing held 5/17/96. Admin. Order affirmed 5/29/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-23-95	Leonard Bormann	Admin. Order/Penalty	UT	Wornson	SCR received 10/26/95. Free product report overdue. Follow-up - 3/96.
5-25-95	Ferris Sullivan d/b/a Sullivan's Sinclair	Admin. Order/Penalty	UT	Wornson	Revised SCR received - negotiating penalty.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Admin. Order/Penalty	HC/WW	Kennedy	Hearing set for 8/96. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14)	Admin. Order/Penalty	AQ	Murphy	Negotiating before filing.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-01-95	Mark Twain Meadows Assoc.	Admin. Order/Penalty	WS	Kennedy	Negotiating before filing.
6-07-95	Cumberland Ridge Homeowners	Admin. Order/Penalty	WS	Kennedy	Awaiting penalty payment - due 8/1/96.
6-09-95	Don Peterson d/b/a Peterson Backhoe	Admin. Order/Penalty	AQ	Preziosi	Settlement close. Sent to DIA.
6-16-95	Allison-Bristow Community School	Admin.	AQ	Preziosi	Settlement meeting held 5/8/96. Signed consent order and \$2,500

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		Order/Penalty			penalty received 6/13/96. Settled.
6-16-95	Allison Fire Dept.; City of Allison	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Negotiating before filing.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Kennedy	Penalty settlement due 7/30/96.
6-29-95	White Oaks Homeowners Assn.	Admin. Order/Penalty	WS	Hansen	Informal meeting held 3/8/96. 4/25/96 follow-up letter to facility. 5/96 - Facility response received. Meeting held 6/96. Facility to provide signed agreement by 7/31/96 for new water source that meets MCL requirements.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96.
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress - 4/96.
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	Hearing set for 8/14/96.
7-28-95	Harold T. Knott; James C. Knott	Admin. Order	UT	Wornson	Negotiating before filing.
8-01-95	Wilbur McNear d/b/a McNear Oil Co.	Admin. Order/Penalty	UT	Wornson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Wornson	Compliance initiated.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
8-29-95	Iowa City, City of	Admin. Order	WW	Hansen	Schedule for amended AO agreed upon. Proposed amended AO sent to City attorney for review. AO issued. City agrees to dismissal of appeal.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Informal meeting held 10/10/95. Information to be submitted by Kraft to WS section. Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information. 6/96 - additional information received by WS staff for review.
9-12-95	Colwell, City of	Admin. Order/Penalty	WS	Hansen	12/21/95 - Letter to City requiring 2nd round monitoring/reporting prior to penalty reduction discussions. 3/31/96 - no response from City. 6/96 - City contacted regarding status of compliance and appeal.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.

10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Kennedy	Appellant no longer accepting waste. Renewal permit may be requested.
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10-20-95	Central Community School District	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting 4/10/96. Penalty paid 6/18/96. Settled.
11-02-95	Salsbury Chemicals, Inc.	Permit Conditions	WW	Hansen	Informal meeting held 12/4/95. Company response 1/26/96. Review by WW permits completed 3/21/96. Under review by WQ section. 6/96 - letter received from company regarding appeal.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
11-14-95	Mike Barker	GW Professional Denial	UT	Wornson	Settlement negotiations underway.
11-21-95	Gary Watson	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
12-12-95	Vernon Kinsinger, K & K Sanitation	Admin. Order/Penalty	AQ/SW	Kennedy	Informal meeting held.
12-13-95	Roy Burger	Admin. Order/Penalty	UT	Wornson	Compliance complete - negotiating penalty.
12-18-95	Omega Cabinets	Permit Denial	AQ	Preziosi	Settlement close. Drafting consent order.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Marvin Wernimont; Filter Friend Recycling	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
12-28-95	Site Services, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Wornson	Current owner to complete SCR.
1-04-96	Massena, City of	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility inspection 2/28/96 by FO 6/.
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. Negotiating before filing.
1-17-96	All-States Quality Foods, L.P.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
1-18-96	Neola Light & Water	Admin. Order	WS	Hansen	Informal meeting held 3/4/96 and 6/4/96. 6/96 - Proposed amended order with revised schedule and amended permit sent to City attorney for review. Amended AO and permit provide for installation of chlorination

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					equipment by 8/15/96.
1-19-96	Bill Shirbroun d/b/a Was Broken Pallet	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
1-24-96	Jolly Roger Campground	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Kennedy	Phone conference with attorney regarding settlement - due 5/30/96.
1-30-96	Dean Williams d/b/a Williams Oil Co.	Admin. Order/Penalty	UT	Wornson	Compliance initiated.
2-06-96	Russell Stagg	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
2-12-96	Solid Waste Management Commission of Marshall County	Tonnage Fees	SW	Kennedy	Hearing set for 5/31/96.
2-20-96	Center Point	Permit Conditions	WW	Hansen	2/96 - Settlement offer and revised permit sent.
3-04-96	Edward Bodensteiner	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
3-04-96	Ames, City of	Permit Conditions	WS	Hansen	Informal meetings held 3/22/96 and 3/28/96.
3-05-96	Montgomery County	Open Burning Variance Denial	AQ	Preziosi	Settled.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
3-11-96	Marlin Brenneman	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section.
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Negotiating before filing.
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscatine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4-01-96	Davenport Travel Plaza	Admin. Order/Penalty	WS	Clark	Settled 6/20/96.
4-04-96	Richard Hocraffer (DeCoster Farms)	Water Use Permit	WR	Clark	Negotiating before filing.
4-19-96	C & I Eggs	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
5-03-96	Mildred Eileen Bentley	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96.

5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Drafting consent order.
5-13-96	CGB Printing Co.	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting set for 6/13/96.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Negotiating before filing.
5-29-96	Champion Intl. Corp.	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-03-96	Mederer Corp.	Admin. Order/Penalty	WW	Murphy	New case.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	New case.
6-07-96	Koehring Cranes, Inc.	Open Burning Variance Denial	AQ	Preziosi	New case.
6-10-96	DeCoster Farms of Iowa	Admin. Order	WW	Clark	New case.
6-10-96	DeCoster Farms of Iowa	Permit Denial	WR	Clark	New case.
6-17-96	Winsor Oil Co., Inc. ; Joyce Winsor	Admin. Order/Penalty	UT	Wornson	New case.
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification Denial	SW	Kennedy	New case.
6-25-96	Bernie Brauris d/b/a Brauns Waste Mgmt. & Excavating	Admin. Order/Penalty	AQ/SW	Kennedy	New case.

Mr. Stokes presented the monthly reports noting that he earlier distributed an information sheet on the number of staff at the UHL, as requested by the Commission last month. Also distributed was a copy of an Informal Economic Impact Analysis on Chapter 83, Wastewater Laboratory Certification which was submitted to the Administrative Rules Review Committee last week. He related that the ARC had placed the rules on 70 day delay while waiting for the informal statement, but they took no further action on it and the rules will go into effect on July 24, 1996.

Brief discussion followed.

INFORMATIONAL ONLY

CONTRACT AMENDMENT FOR COMPUTER BASED FILING SYSTEM FOR AQ OPERATING PERMITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve an amendment to the existing contract (for a computer system for the electronic storage and distribution of AQ operating permit records) with WANG Laboratories.

The proposed amendment is for \$102,500 for additional programming by WANG Laboratories and Radian Consultants.

The reasons that we need this supplement to the contract are basically three.

First, we will soon have the capability to accept electronic submittals as things now stand. We will be able to accept submittals by diskette, by modem, or by the INTERNET. But this will require that our staff modify the data to make it usable. We would like to be able to accept submittals using the latest technology, such as banks use, whereby pushing a button on an applicant's computer will automatically put the information in our database. This will save considerable time, especially for the applicant.

The second reason is that we would like to make the system more user friendly. Presently applicants will have access to all the information but, in many cases, they will have to file through pages of information before they will find a specific piece of information. This supplement will enable users to go straight to most data without looking at pages and pages of text. This will also save considerable time.

The third reason is that with this supplement we will reduce turn-around time for construction permits. As information is placed into the database, our construction permit engineers will be using this system more and more frequently. A side benefit of this Title V system is that our construction permit process can be made more efficient.

As we began reviewing Title V applications it quickly became apparent that information was being listed in ways that we had not anticipated. This meant that we would either have to data-enter by hand much more information than we ever thought or we could modify the database in such a way that we could automatically put this information into the proper database. This supplement will automatically do the latter. DNR and WANG did not anticipate this problem at the time that bids were made.

Mr. Stokes explained the need for a contract amendment and expanded on how the equipment works.

Motion was made by Gary Priebe to approve the contract amendment for Computer Based Filing System for Air Quality Operating Permits. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

NONPOINT SOURCE MANAGEMENT PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission has expressed an interest in receiving an update as to the past history, current status and future plans for Iowa's Nonpoint Source Management Program. The Commission will be provided a briefing on this issue.

Mr. Stokes introduced Ubbo Agena, Water Resources Section, and indicated that he will give the Commission a briefing on the Nonpoint Source Program.

Mr. Agena gave an overhead slide presentation covering the history of the program, assessment reports, and funding Iowa has received from FY 90 - FY 96. He also covered the following topics: Use of Funds; Categories of Projects Funded from FY 90 - FY 96; Project Application Process; Letter of Invitation for Proposals; Project Proposals; Review Process - Project Applications; Application Review Criteria; FY 97 Application Schedule; and Changes Proposed in Section 319 Program. He expanded on each of these topics and noted that he has available copies of a booklet entitled "Section 319 Nonpoint Source Pollution Management Program." Also available is a brochure that identifies the projects that have been funded through FY 95 funding.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 22, OPERATING PERMIT BY RULE FOR SMALL SOURCES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code. The Department made a commitment to the Legislative Rules Review Committee to meet with a select group of representatives of small businesses to discuss changes to the "Operating permit by rule for small sources" (also known as the "50%" rule) as proposed by the State Citizen Aide Ombudsman's office and to develop changes to the rules as appropriate. This proposed rule-making is the result of that meeting.

The purpose of this rule-making is to amend the "Operating permit by rule for small source," 567 IAC 22.300 et seq. This amendment clarifies the record-keeping requirements for de minimus sources by establishing that record-keeping for the annual log will begin on the date the small source operating permit is submitted, and will continue on an annual basis, thereafter based on a calendar year.

This amendment provides an additional 31 days for sources applying for the permit by extending the application deadline from July 1, 1996 to August 1, 1996. In the written application/registration instructions, the Department has already extended this deadline. This amendment also clarifies that new sources have 12 months from the date they become subject to the Title V requirements to obtain an operating permit by rule for small sources.

The requirement to list the two digit Standard Industrial Classification Code, in the permit registration/application form, is deleted. The forms do not currently require that information.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code.

These amendments modify the rules establishing the "Operating permit by rule for small sources." The Department made a commitment to the Legislative Rules Review Committee to meet with a select group of representatives of small businesses to discuss changes to the "Operating permit by rule for small sources" (also known as the "50%" rule) as proposed by the Citizen Aide Ombudsman's office, and develop changes to the rules as indicated. This proposed rule-making is the result of that meeting.

The purpose of this rule-making is to amend the "Operating permit by rule for small sources." This amendment clarifies the record-keeping requirements for de minimis sources by establishing that record-keeping for the annual log will begin on the date the small source operating permit is submitted, and will continue on an annual basis, thereafter based on a calendar year.

This amendment provides an additional 31 days for sources applying for the permit by extending the application deadline from July 1, 1996 to August 1, 1996. In its written application/registration instructions, the Department has already extended this deadline. This amendment also clarifies that new sources have 12 months from the date they become subject to the Title V requirements to obtain an operating permit by rule for small sources.

The requirement to list the two digit Standard Industrial Classification Code, in the permit registration/application form, is deleted. The forms do not currently require that information.

Any person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Catharine Fitzsimmons, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515) 281-8895.

A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility, should contact the Department of Natural Resources to advise the Department of any specific needs.

This amendment may impact small business.

This amendment is intended to implement Iowa Code section 455B.133.
The following amendments are proposed.

ITEM 1. Amend subparagraph 22.300(4)"b"(1) as follows:

(1) De minimus sources shall maintain an annual log of each raw material used and its amount, and each product produced and its production rate. The annual log and all related material safety data sheets (MSDS) for all materials shall be maintained for a period of not less than five years. The annual log will begin on the date the small source operating permit is submitted, then on an annual basis, based on a calendar year.

ITEM 2. Amend subparagraph 22.300(8)"a"(1) as follows:

(1) Timely registration. Each source registering for an operating permit by rule for small sources shall submit a registration form:

1. By ~~July 1, 1996~~ August 1, 1996, if the source became subject to rule 22.101(455B) (the requirement to obtain a Title V operating permit) before August 1, 1995, unless otherwise required to obtain a Title V permit under rule 22.101(455B); ~~is applying for an operating permit by rule for small sources for the first time;~~

2. Within 12 months of becoming subject to rule 22.101(455B) (the requirement to obtain a Title V operating permit) for a new source or a source which would otherwise become subject to the Title V permit requirement, if the source became subject to the rule on or after August 1, 1995, ~~after June 12, 1996.~~

ITEM 3. Amend subparagraph 22.300(8)"b"(2) as follows:

(2) A description of source processes and products ~~(by two-digit Standard Industrial Classification Code);~~

Mr. Stokes reviewed the history of the rules covering issues raised, clarifications and changes made.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 22, Operating Permit by Rule for Small Sources. Seconded by Kathryn Murphy. Motion carried unanimously.

FINAL RULE--CHAPTER 65.18(1), MANURE MANAGEMENT PLANS FOR EXPANDED ANIMAL FEEDING OPERATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached for the Commission's consideration is a Final Rule which would amend subrule 567-65.18(1) regarding manure management plans (MMPs) for confinement feeding operations with formed manure storage structures not requiring a construction permit. The amendment would make the MMP requirements for expanded confinement feeding operations the same as for new

confinement operations of a similar size. The amendment will also eliminate a potential loophole which livestock producers could use to avoid MMP requirements.

The current rule requires that a manure management plan be developed and provided to the Department for new (i.e., first occupied after 9/22/95) facilities with an animal weight capacity of greater than 200,000 pounds but less than the construction permit threshold. However, a MMP is not required for an existing operation that expands to a size that exceeds 200,000 pounds but is still below the construction permit threshold. The rule amendment will correct this inequity by requiring such expanded operations to develop and file a MMP.

Two public hearings were held and comments were accepted through March 6, 1996. Only four comments were received during the public comment period, with all comments opposed to the proposed rule amendment. In general, the persons and organizations providing comments argued that the intent of rule 65.18 was to prevent large operations from avoiding MMP requirements by building a series of smaller operations which were just below the construction permit threshold, not to remove the "grandfathering" provisions for similar-sized operations that expand but remain under the permit threshold.

The Commission tabled this item at their June 1996 for further consideration.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code Supplement section 455B.173(13), the Environmental Protection Commission amends Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

The amendment as adopted by the Environmental Protection Commission on June 17, 1996 clarifies the applicability of subrule 65.18(1) regarding manure management plans for confinement feeding operations utilizing formed manure storage structures which do not require a construction permit. The amendment will clarify that existing operations which are expanded are subject to the same manure management plan requirements as new operations.

Notice of Intended Action was published in the February 14, 1996 Iowa Administrative Bulletin as ARC6245A. Two public hearings were held and comments were accepted through March 6, 1996. Four comments were received during the public comment period with all comments opposed to the rule amendment. Notwithstanding the adverse comments, the Commission feels that the proposed rule will correct an existing inequity by requiring that certain existing confinement feeding operations which are expanded will be subject to the same manure management plan requirements as similarly-sized new operations. The amendment as adopted is substantially the same as proposed in the Notice with only one grammatical change being made.

This amendment is intended to implement Iowa Code Supplement section 455B.173(13) and will become effective on August 21, 1996.

The following amendment is adopted.

ITEM 1. Subrule 65.18(1), paragraphs "b" and "c," are amended to read as follows:

b. ~~Is first occupied by~~ Contains animals, other than bovine, and is first occupied after September 22, 1995, or is expanded after August 21, 1996; and

c. Has an animal weight capacity of more than 200,000 pounds but less than the construction permit requirement in this chapter and former chapter 65 for formed manure storage structures in effect at the time construction of the new or expanded operation was begun, as defined in rule 65.7(455B); shall provide the department with a manure management plan meeting the requirements of this rule no later than 60 days prior to the first land application of the manure from the newly constructed or expanded formed manure storage structure. To determine the animal weight capacity of a confinement feeding operation confining more than one species of animals or storing manure in more than one form, the animal capacity of bovine animals or animals confined in structures with manure stored exclusively in a dry form shall be excluded.

Mr. Stokes reviewed that the Commission tabled this item last month.

Motion was made by Charlotte Mohr to remove the item from the table. Seconded by William Ehm. Motion carried unanimously.

REMOVED FROM TABLE

Mr. Stokes stated that the Commission is well aware of the issue and development of the rule proposal to date. He noted that comments were provided to the Commission during Public Participation earlier today.

Gary Priebe stated that he still has concerns about the small acreage with a lot of hogs but he does not know exactly what to do to fix it. He related that he does not feel they need a full blown manure management plan (MMP). He added that the rulemaking could possibly be suspended and let the legislature address it, but he does not think the small operator should have to pay \$2,500 to develop a MMP when they have not caused any problems.

Charlotte Mohr agreed with Commissioner Priebe, adding that many people have spent a lot of time in developing HF 519 and it should be given time to work.

Mr. Stokes stated that the Commission could take any of the following three options: 1) move and adopt Termination of Rule; 2) move and adopt the rules as presented today; 3) move to modify the rules and adopt as modified (if no major changes). He added that if the Commission

does not want to adopt the rules they should move to terminate rulemaking and withdraw the rule.

Motion was made by Gary Priebe to terminate Final Rule--Chapter 65.18(1) Manure Management Plans for Expanded Animal Feeding Operations. Seconded by Verlon Britt. Motion carried unanimously.

William Ehm stated that the the department has the authority whenever there is a problem to go in and deal with it and the rules have been strengthened in the last twelve months. He related that terminating the rule is probably the wise thing to do.

RULEMAKING TERMINATED

RISK BASED CORRECTIVE ACTION RULES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission adopted Risk Based Corrective Action rules for addressing leaking underground storage tanks for petroleum substances at their June 1996 meeting. Because of the complexity of these rules and the substantial changes made as a result of the previously held public hearings the Commission also approved a new notice of intended Action to take these rules to a second round of public hearings.

Over the next four meetings the Commission will be given a detailed explanation of the rules as adopted. This will be the first in this series of presentations.

Mr. Stokes stated that he envisions four sessions during the educational process on the RBCA rules. Those sessions will cover Tier 1, Tier 2, Tier 3, and residual questions from the Commission. Mr. Stokes introduced Keith Bridson, UST Section Supervisor, noting that Keith and his staff worked very closely with the UST-TAC Committee in development of the RBCA rules. He noted that other members of the UST-TAC Committee present today are LaDon Jones, Scott Young, Pat Rounds, and Dave Wornson.

Mr. Bridson presented an overview of the entire RBCA rules process. He presented a computer enhanced slide presentation and expanded on each of the following topics: 3 Tiers of Assessment; Pathways and Receptors; Risk in RBCA; Tier 1; Tier 1 versus Old Levels; Tier 2 (similar to SCR); Tier 2 Plume; Tier 2 Exposure; Tier 2 Simulation Model; Tier 2 Site-Specific Target Level; After Tier 2; Risk Classification; Next Steps; More Flexibility in Corrective Action; Vulnerable Bedrock; DNR Review; Transition; and RBCA - New and Flexible. Mr. Bridson distributed hand-outs of a Tier 1 Summary and Tier 1 Table showing LUST examples and expanded on what requirements would be needed under certain scenarios.

The Commission thanked Mr. Bridson for his presentation.

Brief discussion followed regarding the amount of time needed to move through Tier 1.

INFORMATIONAL ONLY

PROPOSED CONTESTED CASE DECISION--LESTER D. DAVIS AND EVELYN MCKELVOGUE

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On November 24, 1993, the department issued Administrative Order Nos. 93-AQ-37 and 93-SW-23 to the above parties. That action required them to cease illegal solid waste disposal and open burning, to remove and properly dispose of solid waste, and to pay a penalty of \$5,000. That action was appealed by the parties, and the matter proceeded to administrative hearing on May 3, 1996. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on May 17, 1996. The decision affirms the Order, with the exception of rescinding the penalty.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the Administrative Law Judge decision in the absence of an appeal.

ALJ DECISION UPHELD

PROPOSED CONTESTED CASE DECISION--SOLID WASTE MANAGEMENT COMMISSION OF MARSHALL COUNTY

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On January 8, 1996, the department notified the Solid Waste Management Commission of Marshall County that it was to pay additional tonnage fees and late fees. That action was appealed, and the matter proceeded to administrative hearing on May 31, 1996. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on June 7, 1996. The decision reverses the directive.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the Administrative Law Judge decision in the absence of an appeal.

ALJ DECISION UPHELD

PROPOSED CONTESTED CASE DECISION--MARGARET SHOPPA AND WELDON SHOPPA

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On March 30, 1995, the department issued Administrative Order No. 95-WW-06 to the above parties. That action required them to construct wastewater facility improvements and to comply with effluent limitations. That action was appealed by the parties, and the matter proceeded to administrative hearing on May 17, 1996. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on May 24, 1996. The decision affirms the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the Administrative Law Judge decision in the absence of an appeal.

ALJ DECISION UPHELD

REFERRALS TO THE ATTORNEY GENERAL (A.J. DECOSTER)

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

A. J. DeCoster (Wright County) - water pollution

Mr. Murphy stated that staff are asking for referral due to a discharge of swine waste from Nursery Unit #3 in Wright County, from May 3-7, 1996. He related that wastes entered a tile line through subsurface leakage and entered into Drainage Ditch #213. He stated that sampling documented the source of pollution and when the DeCoster facility was visited they agreed to do some trenching and discovered breakage into the tile line. Mr. Murphy noted that this incident follows two prior Administrative Orders and the referral of another incident in April, 1995, and staff feel that because of the history of this matter it should be referred to the Attorney General.

Appointment - Bill Smith

Bill Smith, Counsel for A.J. DeCoster, stated that he understood from the Attorney General's Office that a decision has already been made by that office to refer this matter, but he assumes that could not be the case since the Commission has not heard the matter. He discussed what would be relevant standards for the Commission to use in making a decision if this is an appropriate matter to refer to the Attorney General. He reviewed the procedure the department uses to determine whether to refer a matter covering the issues of cost, gravity of violation, and culpability. Mr. Smith stated that the department received a complaint about a possible problem at Unit #3 on May 3, and the DNR tested it on that day but no one at DeCoster Farms was contacted until May 6. He related that Peter DeCoster immediately started trenching and found a second deep tile which they then cut to stop effluent from going to the river. He noted that the tile was discovered by DeCoster Farms and was stopped within 5-6 hours after it was discovered. Mr. Smith stated that he told the Commission last month that DeCoster Farms was undertaking the task of trenching the bases of their berms in an effort to find hidden tiles they may not have found, and that was completed by the end of 1995. He related that Unit #3 was trenched last fall and apparently there was some fill and they did not get down deep enough to find this particular tile. He distributed a map showing the location of tiles in the area. He explained that the BOD levels, when testing, showed very little effluent in the water. Mr. Smith stated that the Commission should consider what has been done to correct the situation and what has been done in the past. He noted that the matter which was referred in July of 1995 has now

been moved to trial in January of 1997, and in the meantime Mr. DeCoster cannot get new permits. He stated that he does not feel this is a matter to be referred and he would appreciate the Commission's consideration in not referring it.

Mr. Murphy stated that the pollutant of primary concern was ammonia nitrogen and even though it was not a fish kill case or a major pollution event, it was a prohibited discharge and the levels being discharged were significant to elevate the ammonia levels in the stream. He indicated that the department investigated the matter on Friday afternoon, May 3 but did not have sample analysis back at that time to verify the source. He noted that staff did go to the DeCoster facility that afternoon but there was no one there to talk to. Staff went back on Monday, May 6 to collect additional samples and then spoke with Mr. DeCoster. Mr. Murphy stressed that the primary reason for referral is because of the history of having two prior Administrative Orders and one prior referral.

Terrance Townsend commented that he can appreciate staff wanting to refer the case based on history but he is concerned about referring it when it was the first release at this particular site and steps were taken to try to correct it.

Gary Priebe stated that he agrees with Commissioner Townsend's concern, adding that if it was anyone else other than A.J. DeCoster he wonders if they would be referred according to past history. He noted that it looks to him like DeCoster Farms did everything they could to try to take care of the problem but the past history and the name is what has him in trouble.

Kathryn Draeger commented that the Commission struggles every time a case like this is before them and it seems as if they normally try to work it out, but stressed that these are discharge violations.

William Ehm stated that in the past, if a case has been before the Commission numerous times, his patience becomes much shorter and that is the way he feels in this case. He noted that if this release was a problem in-and-of-itself staff probably would not even have brought it to the Commission, but because like other situations when there has been a history to apply, it comes to the Commission a little quicker.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Charlotte Mohr.

Chairperson King requested a roll call vote. "Aye" vote was cast by Commissioners Draeger, Ehm, Mohr, and Britt. "Nay" vote was cast by Commissioners Murphy, Priebe, Townsend, and King. Motion failed on a vote of 4-Aye to 4-Nay.

CASE NOT REFERRED

Gary Priebe commented that the decision the Commission made is irrelevant anyway because the Attorney General will take up the case.

Mr. Murphy stated that the Attorney General's Office has that option but the main effect of the Commission not referring the matter is that it will not count as a strike for habitual violators, and the Commission should be aware of the impact of not referring it.

Mike Smith

Mike Smith, Attorney General's Office, stated that he would like to respond to some comments made by Bill Smith, noting that he is confident Dave Sheridan did not say a decision was already made in this case as he well knows a decision would be made here at the Commission meeting today. He added that Mr. Sheridan is not in the habit of misspeaking on matters like that. Mr. Smith noted that Bill Smith expressed concern about delay of the lawsuit and the late trial date, adding that the lawsuit was filed in late January and DeCoster Farms did not file an answer until May. He added that they could have completed their response sooner if they were concerned about delay. He asked that, in light of the vote just taken, that the Commission revisit the matter in another month and not do anything further until Mr. Sheridan can be present at that meeting. Mr. Smith stated that Attorney General Tom Miller has been briefed on this issue and he urges the Commission to refer. He noted that he is concerned that the Commission show support for enforcement of the law and if this is not referred there will not be any judgment on this particular matter that can count toward a habitual violator.

GENERAL DISCUSSION

Chairperson King asked if staff could discuss the Intelkofer case with the Commission.

Closed Session

Motion was made by Terrance Townsend to go into closed session pursuant to Iowa Code Section 21.5(1)c to discuss strategy with counsel in matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government. Seconded by Gary Priebe.

Chairperson King requested a roll call vote. "Aye" vote was cast by Commissioners Ehm, Mohr, Murphy, Priebe, Townsend, Britt, Draeger, and King. Motion carried on a vote of 8-Aye.

Motion was made by Terrance Townsend to adjourn the closed session and return to open session. Seconded by Charlotte Mohr. Motion carried unanimously.

Open Session

Chairperson King announced that the Commission discussed the case but did not take any action during closed session.

Address Items for Next Meeting

The Commission discussed having representation on a committee to work on budget issues with staff.

Terrance Townsend, Kathryn Murphy, and Rozanne King volunteered to serve on the ad hoc budget committee which will meet in early August.

Also discussed was a task force to study separation distances from landfills.

Gary Priebe and Charlotte Mohr volunteered to work with staff on the ad hoc group to study separation distances at landfills.

NEXT MEETING DATES

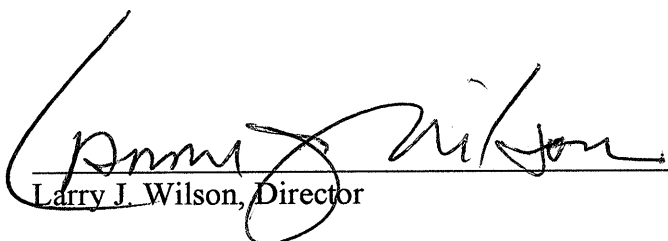
August 19, 1996

September 16, 1996


October 21, 1996

ADJOURNMENT


With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 4:20 p.m., Monday, July 15, 1996.



Larry J. Wilson, Director



Rozanne King, Chair



Charlotte Mohr, Secretary

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